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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1899.

No. ~~350~~. 114.

THE BOARD OF LIQUIDATION OF THE CITY DEBT, PLAINTIFF IN ERROR,

vs.

THE STATE OF LOUISIANA ON THE RELATION OF MISS LUCRETIA B. WILDER ET AL.

FILED AUGUST 8, 1899.

No. ~~374~~. 119.

THE DRAINAGE COMMISSION OF NEW ORLEANS, PLAINTIFF IN ERROR,

vs.

MISS LUCRETIA B. WILDER ET AL.

FILED AUGUST 17, 1899.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

(17,483 & 17,491).

(17,483 & 17,491).

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1899.

No. 369.

THE BOARD OF LIQUIDATION OF THE CITY DEBT, PLAINTIFF IN ERROR,

vs.

THE STATE OF LOUISIANA ON THE RELATION OF MISS LUCRETIA B. WILDER ET AL.

FILED AUGUST 8, 1899.

No. 377.

THE DRAINAGE COMMISSION OF NEW ORLEANS, PLAINTIFF IN ERROR,

vs.

MISS LUCRETIA B. WILDER ET AL.

FILED AUGUST 17, 1899.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., MARCH 1, 1900.

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a UNITED STATES OF AMERICA:

Supreme Court of the State of Louisiana.

BOARD OF LIQUIDATION OF THE CITY DEBT and THE DRAINAGE Commission of New Orleans, Plaintiffs in Error,
versus
STATE *ex Rel.* MISS L. B. WILDER ET ALS., Defendants in Error.

Branch K. Miller, Esq., for Board of Liquidation of the City Debt.

Howe, Spencer and Cocke, for the Drainage Commission of New Orleans.

Charles J. Theard, Arthur McGuirk, and Henry L. Lazarus, for Miss L. B. Wilder and others.

Writ of error to the supreme court of the State of Louisiana from the Supreme Court of the United States of America, returnable at the city of Washington, D. C., within thirty (30) days from the tenth (10th) day of July, A. D. 1897.

Transcript of Record.

1 Appeals of the Board of Liquidation of the City Debt and the Drainage Commission of New Orleans from judgment in the city district court for the parish of Orleans, rendered on the 16th day of December and signed on the 22nd day of December, 1898. See judgment on folio —.

STATE OF LOUISIANA,
Parish of Orleans, City of New Orleans.

Civil District Court for the Parish of Orleans.

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806. Civil District Court, Division "D."

Honorable N. H. Rightor, judge.

Petition of the State of Louisiana on the relation of Miss L. B. Wilder *et als.*, praying for a writ of mandamus, affidavit, and order of court and service accepted thereon.

Filed November 9th, 1898.

2 To the honorable the civil district court for the parish of Orleans:

The petition of the State of Louisiana upon the relation of Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Casach, Miss B. Woods, Mr.

A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. McElroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabel Levy, Mrs. M. E. McDonald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliafero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey,
Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair,
3 Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt,
Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M. McCoard, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Thersa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevaillie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassonova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neil, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carrolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolon, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lecroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. K. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia
Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns,
4 Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty,
Miss Marie Peres, Miss Honora Brown, Miss A. F. Duval,

Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Anna Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. M. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Salvio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligot, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donnelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kleinpeter, Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Margeret Horen, Mis- May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgie Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Portner, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs. M. E.

Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiappela, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Ohlsen, Miss Ada V. Rosseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C.
6 Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schriever, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isabel Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Thiel, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary H. Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelley, Miss Mathilda Reuter, Miss N. B. Harthorne, Mrs. J. R. Dicks, Miss Lizzie Kelley, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eagleson, Alica Ellis, Georgie Fountain, A. A Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele,
7 M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronnan, M. Caldwell, L. Chevoileau, E. Chineau, M. Caruthers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, J. Kinney, G. H. Kelly, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffat, E. M'Cabe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E. Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan,

M. Schriever, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, A. Waters, with respect shows:

That, in accordance with the provisions of articles 315 and 316 of the constitution of the State of Louisiana of 1898, the city of New Orleans has examined into and assumed payment of the claims of the school teachers and portresses of the public schools of this city for unpaid salaries for the years 1882, 1883, and 1884, and the city comptroller, by direction of the city council, has issued to relators, as the original owners of said claims, certificates of indebtedness, countersigned by the mayor, setting forth the amount due by the city to each claimant, and representing the total sum of one hundred and fifteen thousand five hundred and fifty-eight $\frac{33}{100}$ dollars ($115,558.33), as will more fully appear from the said certificates, which will be produced on the trial of this cause, and from the ordinances adopted by the city council, Nos. 14477, 14591, and 14675, C. S., copies of which will be filed hereafter.

8 That a list of all the claimants and of the amount due each claimant is made part of ordinance No. 14591, and a duplicate of said list is annexed to and made part of this petition.

That articles 316 and 317 of the constitution of this State provide that the certificates of indebtedness aforesaid shall be paid by the Board of Liquidation of the City Debt, and that the requisite funds shall be provided by said board by the sale of sufficient number of the constitutional bonds of the city of New Orleans of the issue provided for by act 110 of the General Assembly for the year 1890 and by the amendment to the constitution of the State, submitted to the people by said act and adopted at the general election in 1892.

That due demand had been made of said board of liquidation, but that it refuses to obey the mandate of the constitution.

That the said Board of Liquidation of the City Debt is a corporation created by act 133 of the General Assembly for the year 1880; that its domicile is in this city, and R. M. Walmsley, Esq., is its president.

That the refusal of said board of liquidation to obey the mandate of the constitution is both a disregard of duty and a denial of justice, leaving the complainants without relief by ordinary proceedings, and that a writ of mandamus should therefore issue herein.

Relators further represent that the litigation necessitated by the action of said board will subject the claimants to expense and long delay, which should have been avoided, and that legal interest should be allowed on each certificate of indebtedness from the date of the filing of these proceedings.

Wherefore relators *pary* that an alternative writ of mandamus issue herein, addressed to the Board of Liquidation of the

9 City Debt, through R. M. Walmsley, its president, commanding the said board of liquidation to pay the certificates of indebtedness aforesaid, amounting to the total sum of one hundred and fifteen thousand five hundred and fifty-eight $\frac{33}{100}$ dollars ($115,558.33), together with interest on each of said certificates, at

the rate of five per cent. per annum, from this date until paid, and to provide the requisite funds by the sale of a sufficient number of the constitutional bonds of the city of New Orleans of the issue provided for in act 110 of the General Assembly for the year 1890 and by the amendment to the constitution of the State, submitted to the people, of the said act, and adopted at the general election in 1892, or to show cause to the contrary, on a day to be fixed by this honorable court, and that after due hearing said writ of mandamus be made peremptory.

And relators pray for costs and for general relief, etc.

(Signed) CHAS. J. THEARD,
ARTHUR McGUIRK, *Att'ys.*

Affidavit.

Miss Lucretia B. Wilder and Mrs. Anna B. Cook, two of the relators, being duly sworn, depose and say that all of the allegations of the above petition are true and correct.

(Signed) ANNA B. COOK.
L. B. WILDER.

Sworn to and subscribed before me, at New Orleans, this 9th day of November, 1898.

[SEAL.] (Signed) CHAS. J. THEARD, *Not. Pub.*

Service accepted.

(Signed) BOARD OF LIQUIDATION CITY DEBT,
CITY OF NEW ORLEANS, LA.,
By R. M. WALMSLEY, *Pres't.*

N. O., Nov. 9, '98.

Order.

Let an alternative writ of mandamus issue as herein prayed,
10 returnable to this court on Thursday, the 17th day of November, 1898, at eleven o'clock a. m.

(Signed) N. H. RIGHTOR, *Judge.*

N. O., November 9, 1898.

List (Duplicate) of the Claimants and of the Amount Due Each Claimant, Annexed to and Made Part of Petition.

Filed November 9th, 1898.

Civil District Court, Division "D."

STATE *ex Rel.* MISS L. B. WILDER & Others
vs.
THE BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

No. 1. ACADEMIC No. 1.

	1882.	1883.	1884.	
J. E. Seaman	147.75	405.00	270.00	822.75
J. V. Calhoun	131.68	363.00	223.85	718.53
J. H. Buckley	105.08	288.00	192.00	585.08
T. W. Dyer	104.79	288.00	.....	392.79

No. 2. ACADEMIC No. 2.

Mrs. Mary Stamps	136.80	375.00	239.15	750.95
Miss H. A. Suter	108.80	300.00	189.00	598.13
" H. W. Seymour (now Mrs. Gresham)	81.58	225.00	.....	305.90
Miss Susan B. Elder	81.88	225.00	.....	306.88

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	1882.	1883.	1884.	
Miss Armentine Vienne	82.10	225.00	133.20	439.45
" M. Cusach	59.07	162.00	150.00	371.07
" B. Woods	49.10	135.00	150.00	332.10

No. 3. JACKSON—BOYS.

Mr. A. S. Leche	93.05	.....	.....	93.05
Miss J. E. Linsler	59.07	162.00	108.00	329.07
" M. E. Pursell	54.75	.....	.....	54.75
" I. D. Pickens	48.96	150.00	90.00	288.96
" Kate Slack	38.30	135.00	90.00	258.30
" M. A. Curran	34.80	105.00	70.00	209.80
Mr. W. S. M'Elroy	.....	255.00	200.00	455.00
Miss Carrie Forrer	38.21	105.00	70.00	213.21

No. 4. JACKSON—GIRLS.

Mrs. A. L. Howard	78.71	216.00	144.00	438.81
Miss M. G. Oliver	59.07	162.00	108.00	329.07
" Fannie A. Stringer	47.43	150.00	90.00	287.43
" Ida Whitaker	47.50	135.00	90.00	272.50
" Fannie S. Harby	38.30	105.00	70.00	213.30
" Louise Bertel	38.30	105.00	70.00	213.30

No. 5. PAULDING.

Mr. Vincent Mielly	93.05	255.00	200.00	548.05
Miss M. A. Nugent	58.96	162.00	134.00	354.96
" K. E. Eastman	59.07	162.00	105.65	326.72
" S. Bloomfield	48.43	135.00	90.00	273.43
" O. Woodworth	49.25	135.00	87.75	272.00
Mrs. Esther Dobie	38.21	105.00	63.00	206.21
" E. C. Hunter	38.21	105.00	68.25	201.46
Miss E. C. Dowty	38.21	105.00	70.00	213.21

12 No. 6. JEFFERSON.

Mr. D. A. Blanchard	93.05	255.00	.....	348.05
Mrs. C. A. Curtis	59.04	162.00	108.88	329.04
Miss M. E. McLoughlin	58.36	162.00	105.65	326.01
" H. L. Mylotte	49.25	135.00	90.00	274.25
" M. A. Broderick	38.30	105.00	.....	143.30
" M. G. Fisher	48.30	135.00	90.00	273.30
" B. Furneaux	32.74	.....	.....	32.74
" Ada Jenks	36.71	105.00	70.00	211.71
" M. H. O'Connor	38.30	105.00	68.25	211.55
" A. M. Dart	38.30	105.00	64.75	208.05
H. B. Folk	.....	.....	121.70	121.70

No. 7. WEBSTER.

Miss Isabel Simmons	78.81	216.00	144.00	438.81
" Charlotte Stuart	59.07	162.00	108.00	329.10
" Nellie H. Watson	59.07	162.00	108.00	329.10
" Sallie Harris	49.25	135.00	88.05	272.30
" G. I. Lambourne	48.96	135.00	88.05	272.01
" Jennie Reese	38.30	105.00	70.00	213.30
" M. L. Martin	37.06	105.00	68.50	210.56
" J. C. Dodge	38.30	105.00	61.25	204.55
" Isabel Levy	38.30	105.00	70.00	213.30

13 No. 8. FRANKLIN.

Mrs. M. E. M'Donald	78.81	216.00	144.00	438.81
" J. C. Robinson	52.03	.....	.....	52.03
Miss Eliza Todd	59.07	162.00	91.80	312.87
Mrs. M. E. Taliafero	59.07	162.00	108.00	329.07
Miss Ida Patton	49.25	135.00	90.00	274.25
" M. A. Ames	49.25	135.00	87.75	272.00
" F. L. Flemich	49.25	135.00	87.75	272.00
" Clemence Charles	49.25	135.00	90.00	274.25
" Olivia Pitard	38.30	105.00	65.45	208.75
" M. A. Larkin	38.30	105.00	70.00	213.30
Mrs. R. Sulakoski	38.30	105.00	70.00	213.30
" M. Nevin	38.30	105.00	70.00	213.30
Forward	3,727.22	9,939.00	6,064.80	
14 Amount brought forward	3,727.22	9,939.00	6,064.80	

No. 9. GARFIELD.

Mr. J. H. Heslin	93.05	255.00	200.00	548.05
Mrs. Annie Macken	59.07	162.00	108.00	329.07
Miss I. B. Grant	59.07	162.00	108.00	329.07
" E. L. Venables	48.96	135.00	84.75	268.71
" K. M. Hamblett	49.25	135.00	90.00	274.25
" Marie Mulvey	49.25	135.00	88.05	272.30
" A. J. Hamilton	49.25	135.00	88.05	272.30
" A. Conwell	38.21	105.00	70.00	213.21
" Annie Sinclair	38.21	105.00	68.50	211.71
" A. S. Miller	38.07	105.00	35.00	178.07
" Julia Donovan	36.62	105.00	70.00	211.62
" M. M. Hewitt	38.30	105.00	70.00	213.30
" T. A. Sisa	38.30	105.00	70.00	213.30
" Emma B. Lloyd	38.30	105.00	70.00	213.30

No. 10. M'DONOGH, No. 11.

Mrs. C. B. Sproule	77.47	255.00	.....	332.47
Miss A. Paddon	59.07	162.00	108.00	329.07
" R. M. Woodley	59.07	162.00	108.00	329.07
Mrs. K. C. M'Cann	59.07	162.00	93.55	314.62

Miss M. M'Cord	49.25	135.00	85.50	269.75
" Cecilia Coll	47.60	135.00	.....	182.60
" Carrie Labatt	48.96	135.00	75.15	259.11
" Julia Mulvey	49.25	135.00	90.00	274.25
" Lizzie Barry	38.30	105.00	70.00	213.30
Miss Julia A. Buckley	35.95	105.00	66.75	207.70
15 Miss B. E. Sullivan	38.30	105.00	68.50	211.80
" Ida Bennett	31.30	105.00	.....	136.30
Miss Mary Walsh	37.15	105.00	68.50	211.65
" Anna Stokes	37.15	105.00	68.50	211.65
Miss Theresa Hartnett	38.14	105.00	70.00	213.14
" Laura J. Murphy	37.99	105.00	66.50	209.49

No. 11. FISK—BOYS.

Mr. A. P. Williams	87.55	240.00	160.00	487.55
Miss R. E. Campanel	58.96	162.00	105.30	326.26
" Amelia Berhel	49.25	135.00	90.00	274.25
" B. Plicque	49.25	135.00	.....	184.25
" Alice Jones	38.21	105.00	88.05	231.26
Mrs. C. H. Thezan	35.86	105.00	.....	140.86
" Sarah B. Allen	38.30	105.00	64.75	208.05

No. 12. FISK—GIRLS.

Mrs. S. F. Williams	72.23	198.00	132.00	402.23
" C. M. Keppard	58.96	162.00	108.00	328.96
" E. P. M'Carthy	48.96	135.00	90.00	273.96
Miss C. C. Kennedy	49.10	135.00	90.00	274.10
" L. M. White	38.30	105.00	68.25	311.55
Mrs. Rosa T. Edmunds	38.21	105.00	65.00	208.21
Miss E. B. Egleston	.....	105.00	68.25	173.25

16 No. 13. BIENVILLE.

Miss E. M. Chevaillie	92.76	255.00	170.00	517.76
Mrs. K. J. Ricker	58.96	162.00	108.00	328.96
" A. E. Jones	49.25	135 00	87.75	272.00
Miss Addie M'Cord	48.96	135.00	81.00	264.96
Mrs. O. B. Cassanova	49.25	135.00	90.00	274.25
" H. M. Bruguiens	38.07	105.00	66.75	209.82
Miss Emma Torrey	38.30	105.00	70.00	213.30
" Georgie Kerns	38.30	105.00	70.00	213.30
" L. Neelis	.....	.....	49.75	49.75

No. 14. METAIRIE RIDGE.

Miss M. J. O'Neil	59.07	162.00	108.00	329.07
" Julia Conroy	37.77	105.00	70.00	212.77

No. 15. ROBERTSON.

Mrs. J. E. Stehle	78.49	216.00	136.80	431.29
Miss M. Sassinot	58.76	162.00	.....	220.76
Mrs. E. M. Keplinger	49.25	135.00	90.00	274.25
Miss K. Divine	48.96	135.00	90.00	273.96
" Adele Coudrain	38.30	105.00	65.15	208.45
" M. H. Hill	38.30	105.00	70.00	213.30
" O. K. Chellet	38.21	105.00	.....	143.21
" R. King	.....	.....	70.00	70.00

17 No. 16. BAYOU ROAD.

Mr. Henry Reggio	87.55	216.00	160.00	487.55
Miss C. E. Carolan	59.07	162.00	102.60	323.67
" S. A. Grant	49.25	135.00	70.35	254.60
" Josephine Stewart	4.25	.....	.....	4.25
Mrs. M. L. Hampson	38.30	135.00	81.00	254.30
Miss Josephine Hille	38.30	105.00	70.00	213.30
" H. A. Pittman	38.30	105.00	70.00	213.30
" Rosa Carolan	.....	105.00	68.25	173.25

No. 17.	CLAIBORNE.			
Mrs. Palmyre Cartier	71.84	198.00	128.70	398.54
Miss Aline Ribet	5.07	.....	.....	5.07
" Alice Sherlock	49.25	135.00	87.50	271.75
" M. E. Lyons	49.25	135.00	90.00	274.25
" Gretta Donovan	38.30	105.00	68.25	211.55
" Annie Kerwin	38.30	105.00	....	143.30
" Mary Pearson	38.21	105.00	61.25	204.46
" M. A. Armstrong	72.23	198.00	.....	270.23
Forward	7,245.89	20,157.00	12,021.70	
18 Amount brought forward	7,245.89	20,157.00	12,021.70	
No. 18.	ST. ANN.			
Miss J. M. Mettaxa	72.23	198.00	125.40	395.63
" M. V. Sarran	59.07	162.00	100.80	321.87
" A. E. King	49.25	135.00	86.10	270.35
" Emma Lacroix	49.25	135.00	88.05	272.30
" Alice Sheean	38.21	105.00	65.00	208.21
" Frances O'Connor	38.30	105.00	63.00	206.30
No. 19.	ST. PHILIP.			
Mr. Warren Easton	93.05	255.00	.....	348.05
Miss G. M'Carran	58.96	162.00	97.90	318.86
" M. J. Paul	59.07	162.00	108.00	329.07
Mrs. Mary Moore	58.85	162.00	108.00	328.85
Miss S. B. Redwood	49.25	135.00	90.00	274.25
" A. M. Hero	49.25	135.00	86.10	270.35
" C. Nicol	49.25	135.00	90.00	274.25
" E. B. Relf	37.99	105.00	68.25	211.24
" Louise Faust	38.30	105.00	70.00	213.30
" Sallie Boyce	38.21	105.00	70.00	213.21
" F. L. Smith	38.07	105.00	70.00	213.07
" V. Russell	38.30	105.00	70.00	213.30
" Ellen Moran	38.21	105.00	.....	143.21
" C. Lichenstein	38.30	105.00	.....	143.30
" A. A. Finch	.....	105.00	61.25	166.25
" E. J. Young	.....	.....	200.00	200.00
Forward	8,237.26	22,983.00	13,739.55	
19 Amount brought forward	8,237.26	22,983.00	13,739.55	
No. 20.	BARRACKS, OR No. 15.			
Mrs. D. R. Miller	76.41	216.00	102.60	395.01
Miss Helen M'Carthy	58.96	162.00	108.00	328.96
" Mary M'Cann	49.10	135.00	82.20	266.30
" M. A. Ferguson	49.10	135.00	86.10	270.20
" Marie L. Points	38.20	105.00	59.50	202.80
" Lizzie Donovan	38.30	105.00	.....	143.30
" Julia Hedges	36.55	105.00	70.00	211.55
Mrs. M. F. Gerrard	28.07	105.00	132.00	265.07
Miss K. Howley	.....	.....	70.00	70.00
No. 21.	FILLMORE, OR No. 16—BOYS.			
Dr. James Burns	70.75	250.00	.....	325.70
Miss Antonis Hart	47.75	135.00	90.00	272.75
" Ella M. Brown	49.25	135.00	85.80	270.05
" Jane M'Anulty	36.92	105.00	63.25	205.18
" Maria Peres	38.21	105.00	64.75	207.96
" Honora Brown	38.21	105.00	66.75	209.96
" A. F. Duval	38.30	105.00	68.25	211.55
" Mary L. Barrett	36.84	105.00	70.00	211.84
Mr. W. J. Gahan	.....	.....	200.00	200.00

20 No. 22. FILLMORE, OR No. 16—GIRLS.

Mrs. V. Ducatel	65.55	180.00	120.00	365.55
Miss Emily Wagner	59.07	162.00	108.00	329.07
" Kate Toole	49.10	135.00	90.00	274.10
" Leonie Chevallo	49.25	135.00	90.00	274.25
" Ellen Carey	38.30	105.00	70.00	213.30
" Emma Ducoing	38.30	105.00	70.00	213.30
" A. M. Woods	38.30	105.00	70.00	213.30

No. 23. M'DONOGH, No. 9—BOYS.

Mr. Gustave Andry	88.35	255.00	153.05	500.51
Mrs. M. A. Doriocourt	58.76	162.00	108.00	328.76
Miss Ellen Quayle	49.25	135.00	90.00	274.25
" Rebecca Smith	49.25	135.00	90.00	274.25
" M. Bayhi	38.21	105.00	66.75	209.96
" Laura C. Harris	34.71	105.00	66.75	206.46
Mr. C. A. Barnes	.....	.....	200.00	200.00

No. 24. M'DONOGH, No. 9—GIRLS.

Mrs. A. E. Van Camp	65.55	180.00	108.00	353.55
" Paul Ducatel	49.25	135.00	90.00	274.25
Miss Louise Van Dycke	38.21	105.00	64.75	207.96
" Eugenie Desdunes	38.30	105.00	68.25	211.55

21 No. 25. M'DONOGH, No. 2.

Miss C. Hubbard	57.21	216.00	140.40	413.61
Mrs. Anna Bell	59.07	162.00	108.00	329.07
Miss M. O. Carter	59.07	162.00	108.00	329.07
" Rosa T. Moore	49.19	135.00	88.05	272.15
" Julia White	49.25	135.00	90.00	274.25
" Edith Harrison	49.18	135.00	88.05	272.23
" Susan Smith	49.25	135.00	90.00	274.25
" F. F. Huberwald	38.30	105.00	70.00	213.30
Mrs. H. Chaery	38.30	105.00	70.00	213.30
Miss Louise Lynch	36.62	105.00	69.15	210.77
" Lizzie Kennedy	38.30	105.00	70.00	213.30
" Mary Murphy	38.30	105.00	70.00	213.30
Mrs. Sylvia Easton	.....	162.00	108.00	270.00

No. 26. M'DONOGH, No. 3.

Mr. E. H. Tepagnier	93.05	255.00	.....	348.05
Mrs. M. F. Stevens	59.07	162.00	81.00	302.07
Miss H. M'Carthy	59.07	162.00	105.65	336.72
" M. Marshall	47.68	135.00	70.95	253.63
" M. A. Stewart	47.46	135.00	85.80	268.26
" Lorenza Bertas	49.25	135.00	85.80	270.05
" Mary Gordon	38.30	.....	.....	38.30
" M. E. Anderson	38.30	105.00	.....	143.30
" K. Delesdernier	33.42	105.00	26.25	164.67
" Alice Clark	1.32	.....	.....	1.32
" Ellen Kennedy	38.30	105.00	62.40	205.70
Miss Rita C. Monrose	32.14	105.00	70.00	207.14
22 Miss Kate Quaid	.....	105.00	70.00	175.00
" E. B. Thomas	.....	105.00	86.10	191.10
Mr. Ulric Bettison	.....	.....	100.00	100.00
Miss I. Warner	.....	.....	70.00	70.00

No. 27. MARIGNY.

Mr. T. J. O'Sullivan	87.55	240.00	.....	327.55
Miss Ellen Gow	57.27	162.00	108.00	327.27
" M. S. Wilson	59.07	162.00	108.00	329.07
Mrs. A. L. Savio	49.25	135.00	90.00	274.25

Miss M. E. Cuggy	49.25	135.00	83.25	267.50
" Lucy Tallon	38.30	105.00	70.00	213.30
" Delphine Points	38.30	105.00	63.00	206.30
" Annie Scott	38.30	105.00	70.00	213.30
" K. J. Hughes	.....	.....	70.00	70.00
No. 28. WASHINGTON.				
Miss L. B. Wilder	78.81	216.00	144.00	438.81
" Annie Sheean	59.07	162.00	108.00	329.07
" Emma Prados	59.07	162.00	70.20	291.27
Mrs. Sophie Blancq	49.25	135.00	61.20	245.45
Miss Julia Chevillon	49.25	135.00	90.00	274.25
" Mary V. Clark	38.05	105.00	70.00	213.05
Mrs. Parmela Cucullu	38.30	105.00	70.00	213.30
Miss Rosa Dione	38.07	105.00	70.00	213.07
" Esther Brandao	38.30	105.00	70.00	213.30
23 **No. 29. M'PONOGH, No. 12.**				
Mr. A. B. Chandeler	93.05	255.00	.....	348.05
Miss Bridget Nolan	59.07	162.00	167.85	388.92
" J. A. Mayberry	58.80	162.00	108.00	328.80
" C. L. Stewart	49.25	135.00	88.85	273.10
" K. L. Magnon	48.96	.....	.....	48.96
" Kate E. Murphy	38.30	105.00	69.10	212.40
" Rebecca Fortune	38.30	.....	.....	38.30
" Marcella Curley	38.30	105.00	.....	143.30
" M. O. Reynolds	37.86	105.00	70.00	212.86
" Mary M'Elligott	38.30	105.00	70.00	213.30
" A. E. O'Brien	.....	105.00	66.95	171.95
" Mary Moore	.....	.....	65.15	65.15
No. 30. M'CARTHY.				
Miss M. D. Cooper	72.23	198.00	.....	276.23
" Jane Donnelly	49.25	135.00	78.75	263.00
" J. Fitzgerald	37.15	105.00	70.00	212.15
" Mary L. Stokes	37.99			
Mrs. H. Kilshaw	.....	105.00	70.00	175.00
Miss J. F. Cripps	.....	.....	70.00	70.00
Forward	12,478.77	34,987.00	21,332.70	
24 Amount brought forward	12,478.77	34,987.00	21,332.70	
No. 31. HANCOCK OR M'D., No. 19.				
Miss M. A. Murphy	72.05	198.00	122.10	393.15
" E. J. O'Hara	38.30	105.00	63.00	206.30
" S. Llambias	38.30	105.00	70.00	213.30
No. 32. GENTILLY.				
Mrs. C. Collerton	72.23	198.00	.....	270.23
No. 33. PONTCHARTRAIN.				
Miss M. A. Riley	59.07	162.00	108.00	329.07
No. 34. FULTON.				
Miss H. L. Garrett	72.23	198.00	132.00	402.23
Mrs. A. W. Brown	59.07	162.00	132.00	353.07
Miss J. J. Ingraham	49.25	135.00	90.00	274.25
" M. E. Golden	49.25	135.00	90.00	274.25
" Amelia Kelsey	48.96	135.00	.....	183.96
Mrs. L. Ward	38.30	105.00	70.00	213.30

No. 35. LAUREL.

Mr. M. M. Lowe	93.05	255.00	200.00	548.05
Miss M. E. Tank	59.07	162.00	108.00	329.07
" Ellen Clapp	49.25	135.00	90.00	274.25
" Maud O'Brien	49.25	135.00	90.00	274.25
" L. E. Lambourne	34.27	105.00	65.00	204.27
Mrs. H. M. Wells	36.40	105.00	.....	141.40
Miss K. L. Glenn	38.30	105.00	.....	143.30
" N. S. O'Connor	38.30	105.00	.....	143.30
" Helena Phillips	.....	.....	65.20	65.20
Forward	13,473.67	37,732.00	22,828.00	
25 Amount brought forward	13,473.67	37,732.00	22,828.00	

No. 36. M'DONOUGH, No. 1.

Mrs. M. E. Mallam	78.81	216.00	144.00	438.81
Miss M. Creswell	59.70	162.00	144.00	365.07
" Bettie Murphy	57.27	162.00	90.45	309.72
" M. Emanuel	49.25	135.00	6.75	191.00
" M. A. Mulligan	49.25	135.00	90.00	274.25
" Agnes Boyce	38.30	105.00	62.50	205.80
Mrs. W. J. Kleinpeter	38.30	105.00	.....	143.30
Miss Agatha Meehan	38.30	105.00	70.00	213.30
" Emma J. Taylor	.....	105.00	70.00	175.00
" L. C. King	.....	.....	52.95	52.95

No. 37. M'DONOUGH, No. 8.

Mr. Louis Leche	93.05	255.00	200.00	548.05
Miss M. P. Hero	59.07	162.00	108.00	329.07
" Nettie Parr	59.10	162.00	97.20	318.30
" I. Fredericks	49.10	135.00	81.00	265.10
" B. A. Houghton	49.25	135.00	.....	184.25
" Mary J. Dowty	38.30	105.00	70.00	213.30
" Margaret Horan	36.92	105.00	57.15	199.07
" May Lemkin	38.25	105.00	65.45	208.70
Mrs. B. L. Beck	38.30	105.00	70.00	213.30
Miss Jessie Wilbar	38.30	105.00	68.25	211.55

No. 38. LIVE OAK.

Miss M. A. Wickes	78.81	216.00	144.00	438.81
" M. Bridgins	59.07	162.00	108.00	329.07
" I. E. O'Brien	49.25	135.00	87.75	272.00
" Eliza Wheaton	49.25	135.00	25.50	209.75
" H. M. Jourdan	38.30	105.00	.....	143.30
Miss Ruth H. Welsh	4.36	.....	.....	4.36
26 " K. C. Connelly	35.64	105.00	61.50	202.14
" Georgia Hodgkins	38.30	105.00	70.00	213.30
Miss E. Wilbar	.....	....	66.75	66.75
Forward	14,734.50	41,299.00	24,939.20	

No. 39. CHESTNUT.

Miss S. S. McEnery	65.55	180.00	114.80	360.35
" P. E. Packard	37.05	162.00	108.00	307.05
" L. E. Sterling	49.10	135.00	88.05	272.15
" M. E. Sommerville	48.96	135.00	88.05	271.01

No. 40. MAGNOLIA.

Mrs. L. M. Williams	78.81	216.00	134.60	429.41
Miss Blanche Cenas	59.07	162.00	105.30	326.37
Mrs. Josephine Reed	58.96	162.00	102.60	323.56
" C. D. Cooke	48.85	135.00	88.05	271.90
" Cora P. Beecher	47.75	135.00	87.75	270.50

Miss Etna Portner	38.30	105.00	.....	143.30
" Anna B. Cook	38.30	105.00	70.00	213.30
" Sidonia Holmes	34.80	105.00	55.00	194.80
No. 41. M'DONOUGH, No. 10.				
Mr. J. R. Hutchinson	93.05	255.00	200.00	548.05
Miss M. E. Finnerty	59.07	162.00	108.00	329.07
" E. B. Brown	59.07	162.00	105.30	326.37
" Irene Rondeau	47.75	135.00	87.75	270.50
" Minnie Weaver	49.25	135.00	90.00	274.25
" C. A. Forbes	38.30	105.00	70.00	213.30
" M. A. Reynolds	38.30	105.00	70.00	213.30
" Nellie Pickett	.....	105 00	70.00	175.00
" M. A. Flanagan	38.30	105.00	70.00	213.30
No. 42. KELLER OR M'DONOUGH, No. 20.				
Mrs. C. S. Reese	78.35	216.00	144.00	438.36
Miss L. C. Whittaker	55.47	162.00	108.00	325.47
Miss M. J. Dornan	58.36	162.00	108.00	328.36
27 " M. J. Kearney	45.85	135.00	90.00	270.85
" A. L. Beecher	47.60	135.00	87.75	270.35
Mrs. M. W. Carroll	38.30	105.00	70.00	213.30
Miss M. G. M'Lorenan	28.86	.....	.....	202.96
" D. L. Bostick	37.06	105.00	68.25	210.31
" Elise Hunter	38.30	105.00	68.25	211.55
" E. Allen	38.30	105.00	70.00	213.30
" A. E. M'Lorenan	.....	105.00	69.10	.....
Forward	16,229.54	45,640.00	27,735.80	
No. 43. DRYADES.				
Mrs. Ellen Hamilton	72.23	198.00	119.65	389.88
Miss C. A. Warner	59.07	162.00	108.00	329.07
" J. E. Morton	58.96	162.00	.....	220.96
Mrs. M. E. Westerfield	49.25	135.00	90.00	274.25
" M. A. Martinez	38.21	105.00	70.00	213.21
" Mary Clarkson	38.30	105.00	70.00	213.30
Miss Ida Halberg	38.21	105.00	70.00	213.21
" M. E. Verlander	28.00	105.00	65.20	198.20
No. 44. ST. ANDREW.				
Mr. C. P. Guichard	89.32	240.00	152.00	481.32
Mrs. P. H. Saffold	58.96	162.00	.....	220.96
Miss E. E. Vigers	47.35	135.00	88.05	270.40
" Amelia Chiapella	38.30	105.00	70.00	213.30
" Mary E. Penn	35.95	105.00	70.00	210.95
" Jennie G. Simms	38.21	105.00	70.00	213.21
" J. C. Berhel	38.30	105.00	70.00	213.30
No. 45. M'DONOUGH, No. 4—BOYS.				
Mr. J. J. O'Connor	93.05	255.00	.....	348.05
Miss L. S. Howard	58.10	162.00	78.85	298.95
Mrs. M. E. Fortier	49.25	135.00	90.00	274.25
Miss Mathilda Oleson	38.21	105.00	68.25	211.46
Miss Ada V. Rousseau	38.30	105.00	70.00	213.30
28 Mr. S. C. Clark	.....	.....	200.00	200.00
No. 46. M'DONOUGH, No. 4—GIRLS.				
Mrs. L. B. Anderson	65.28	180.00	120.00	365.28
" A. E. Chase	59.07	162.00	105.30	326.37
Miss M. A. Gardiner	49.25	135.00	70.85	255.10
" Maggie Redlich	47.60	135.00	58.45	241.05
" N. E. Nicholls	38.30	105.00	70.00	213.30
" E. C. Wheelahan	37.06	105.00	68.25	210.31
Forward	17,531.63	49,258.00	29,868.65	

No. 47.	M'DONOUGH, No. 5.			
Mrs. M. E. Holmes	87.55	240.00	160.00	487.55
Miss E. F. Hayden	59.07	162.00	108.00	329.07
Mrs. M. J. Williams	59.07	162.00	108.00	329.07
Miss J. E. Mooney	49.25	135.00	88.85	273.10
" M. J. Turner	49.25	135.00	90.00	274.25
" Maggie Crawford	39.95	105.00	.....	140.95
" H. E. Lawrence	38.30	105.00	70.00	213.30
No. 48.	M'DONOUGH, No. 6.			
Miss A. E. Kilgrove	87.55	240.00	160.00	487.55
" F. S. Delacey	51.87	162.00	91.25	321.87
" E. L. Rodriguez	59.07	162.00	108.00	329.07
" Annie Leddy	49.25	135.00	90.00	274.25
" M. A. Sullivan	49.25	135.00	90.00	274.25
" Sallie Payne	47.46	135.00	90.00	272.46
" Lizzie Keeling	38.30	105.00	70.00	213.30
" Susan Shriever	38.30	105.00	66.50	209.80
" Julia Clapp	36.62	105.00	66.75	208.37
No. 49.	M'DONOUGH. No. 7—BOYS.			
Mr. T. L. Preston	93.05	255.00	200.00	548.03
Miss H. O. White	59.07	162.00	108.00	329.25
Miss L. E. Prest	54.25	150.00	90.00	294.25
29 Miss Fannie I. Dart	49.25	135.00	90.00	274.25
" E. Gardenghi	38.30	105.00	70.00	213.30
" Anna Dyer	38.21	105.00	70.00	213.30
No. 50.	M'DONOUGH, No. 7—GIRLS.			
Miss Emma T. Rosner	78.81	216.00	144.00	438.81
" Isabel Ferguson	59.07	162.00	108.00	329.07
" May Brooks	54.50	135.00	90.00	279.50
" Sarah H. Evans	49.25	135.00	90.00	274.25
" May E. Blood	25.36	.....	.....	25.36
" May Clack	38.30	105.00	66.50	209.80
" M. H. Hallaran	.....	105.00	63.75	168.75
Forward	19,205.16	53,356.00	32,516.25	
No. 51.	LINCOLN.			
Miss Eliza Clark	72.23	198.00	132.00	403.23
" C. A. Beck	38.30	135.00	90.00	143.30
No. 52.	LEONTINE.			
Mrs. R. Railbon	72.23	198.00	132.00	402.23
Miss Kate Kelly	58.36	162.00	102.60	322.96
" C. G. McManus	45.35	135.00	85.50	265.85
" Annie Theil	36.40	105.00	70.00	211.40
" A. L. Pascoe	37.86	105.00	61.70	204.56
No. 53.	BROADWAY.			
Miss C. W. Bentley	43.80	120.00	108.00	271.80
No. 54.	JEFFERSON, No. 2.			
Miss Florence Gordon	56.32	198.00	144.00	398.32
" Mary A. Tallien	59.07	162.00	105.65	326.72
Mrs. G. A. Anderson	49.25	135.00	90.00	274.25
Miss Isabel Ryan	38.30	105.00	70.00	213.30
30 No. 55.	WASHINGTON, No. 2.			
Mrs. F. V. Hooper	72.23	198.00	140.00	414.23
Miss Nanon J. Kelly	57.27	162.00	108.00	327.27
" Mathilda Reuter	49.25	135.00	90.00	274.25
Miss N. B. Harthorne	38.30	105.00	70.00	213.30

No. 56. SHORT STREET.

Mrs. J. R. Dicks	72.23	198.00	132.00	402.23
Miss Lizzie Kelly	59.07	162.00	108.00	329.07
" Emily Oeschner	49.25	135.00	90.00	274.25
" May A. Leddy	49.25	135.00	90.00	274.25
" R. T. Murphy	38.30	105.00	70.00	213.30
" Emma Quick	38.30	105.00	70.00	213.30
Total amount due teachers.	20,136.08	56,554.00	34,679.70	

SUPERNUMERARIES.

	1882.	1884.	Total.
Anita Ball	3.50	1.25	4.75
O. Black	.....	5.00	5.00
Matilda Bernard	5.40	.....	5.40
M. Bull	.....	12.50	12.50
J. Brown	.....	16.25	16.25
O. Brennan	.....	5.00	5.00
O. Cornwall	1.15	.....	1.15
R. Carolan	16.50	.....	16.50
R. C. Chamberlain	.....	7.50	7.50
M. M. Campanel	.....	1.25	1.25
E. M. Clark	.....	41.25	41.25
B. Carroll	.....	1.25	1.25
A. J. Doherty	1.15	1.25	2.40
N. Donovan	1.15	40.00	41.15
Alicia Dickson	1.15	.....	1.15
Mary Daly	12.85	.....	12.85
Selina Duvic	6.00	15.00	21.00
Emily Dart	10.80	.....	10.80
M. De Boer	.....	13.75	13.75
D. Daignan	.....	32.50	32.50
H. Diamond	.....	36.25	36.25
E. B. Eagleson	12.85	.....	12.85
Alica Ellis	2.35	.....	2.35
Georgia Fountain	1.15	.....	1.15
A. A. Finch	9.40	.....	9.40
M. Flannagan	.....	4.35	4.35
J. Gallagher	1.50	.....	1.50
Kate Hughes	.60	.....	.60
31 L. Hentich	2.35	.....	2.35
Kate Howley	10.80	.....	10.80
B. Hines	10.00	27.50	37.50
M. Hallaron	2.35	12.50	14.85
Irene Hester	18.00	1.25	19.25
Louisa Hornbeck	1.50	.....	1.50
Ida Halberg	4.65	.....	4.65
E. Hamilton	.....	1.90	1.90
A. Harper	.....	2.50	2.50
C. M. Holland	.....	7.50	7.50
N. Houlgrave	.....	35.00	35.00
Forward	137.15	322.50	
M. Harrison	.....	41.25	41.25
M. G. Holmes	.....	2.50	2.50
B. Harthorne	.....	1.25	1.25
Daisy Jackson	2.35	.....	2.35
N. James	.....	5.65	5.65
I. Joyce	.....	36.25	36.25
L. Kilshaw	2.35	16.25	18.60
A. C. Kearney	.....	1.25	1.25
Mary Kennedy	12.85	36.25	49.10
A. Kennedy	.....	6.25	6.25
M. D. Kennedy	.....	17.50	17.50

J. Lahargue	.....	13.75	13.75
M. A. Michel	.....	2.50	2.50
L. Mulvey	1.15	.....	1.15
A. Michel	4.15	.....	4.15
B. Mahan	.....	1.25	1.25
B. Maher	.....	10.00	10.00
M. D. Moore	.....	41.25	41.25
M. Michel	.....	3.75	3.75
Lizzie Neelis	2.35	.....	2.35
N. E. Nicholls	2.65	.....	2.65
L. Orrantia	1.50		
Agatha Pretus	2.35		
F. Powers	1.15		
R. M. Pascoe	.75	5.00	
L. A. Patin	.....	1.25	
G. Peyton	.....	3.75	
A. Payne	4.45	6.25	
M. Ryan	2.35		
S. J. Stephens	5.25	7.50	
S. A. Steele	3.50	21.25	
M. Smith	.....	10.00	
L. Smith	.....	11.25	
32 C. M. Spellicy	.....	6.25	
J. Simon	.....	2.50	
M. Spellicy	.....	35.00	
S. Smith	2.50	6.25	
N. Shelly	3.50	2.50	
A. Stickney	.....	3.75	
C. Stringer	6.65	1.25	
D. Sheean	.....	1 25	
Kate Sullivan	.....	7.15	
Martha Spence	.....	1.15	
Rosalie Schoeffer	.....	1.15	
E. J. Taylor	.....	5.40	
Alice Young	.....	12.85	
Total amount due supernumeraries	226.65	684.40	

PORTRESSES.

	1882.	1884.
B. Allen	20.00	38.00
C. Amman	.....	55.00
E. Bernard	20.00	50.00
E. O. Boyle	18.00	50.00
M. Barrow	20.00	38.00
B. Booth	12.00	24.00
Sarah Brooks	20.00	38.00
B. Blanc	.....	55.00
J. Burke	.....	38.00
C. Byrne	30.00	55.00
D. Burt	15.00	27.50
D. Cosgrove	15.00	27.50
M. Collins	.....	38.00
E. Cure	20.00	27.50
E. Cronan	30.00	55.00
M. Caldwell	.....	20.00
L. Chevollean	30.00	
E. Chineau	15.00	27.50
M. Caruthers	18.00	
M. T. Cochran	20.00	38.00
M. Carroll	.....	38.00
M. Connelly	33.00	58.00
M. Collier	20.00	38.00
M. Duignan	20.00	38.00
H. Daly	25.00	50.00
M. Donnelly	.....	30.00

C. Denny	.....	38.00
B. Doyle	.....	36.00
E. Ducts	.....	18.00
J. Foster	25.00	
A. Gould	.....	50.00
R. Hevyart	33.00	58.00
M. Housman	25.00	50.00
B. Heavy	.....	38.00
Forward	524.00	1,192.00
33 Amount brought forward	524.00	1,192.00
F. Jacquet	20.00	
C. Killelea	20.00	27.50
J. Kinney	20.00	
G. H. Kelly	33.00	40.00
M. Kelly	30.00	55.00
Mary Kelly	20.00	38.00
M. Lane	8.00	15.00
M. Lardner	.....	36.00
C. Moffat	10.00	10.00
E. McCabe	20.00	38.00
M. M'Cormack	20.00	38.00
E. M. M'Ginnis	20.00	38.00
B. M'Keone	15.00	27.50
E. Nides	25.00	
M. Norton	22.50	41.00
H. O'Connor	20.00	38.00
M. A. Pickett	25.00	50.00
E. Rhobacker	18.00	36.00
M. Riley	25.00	50.00
M. J. Raynal	20.00	38.00
John Ryan	25.00	50.00
M. Ryan	.....	38.00
M. Schriever	18.00	36.00
M. J. Stansbury	20.00	
M. Shea	20.00	38.00
M. White	30.00	55.00
J. C. Watkins	10.00	19.00
A. Wilcox	25.00	50.00
A. Waters	20.00	
Total amount due portresses	1,163.50	2,094.00

34 The following names are not on the book showing amounts due teachers, supernumeraries, and portresses, but have been included in list given above:

Ellen Moran	No. 19	For 1883	105.00
Lizzie Kennedy	No. 25	" 1882 and 1883	143.50
K. Quaid	No. 26	" 1883	105.00
A. E. O'Brien	No. 29	" 1883	105.00
E. J. Taylor	No. 36	" 1883 and 1884	175.00
E. Wilbur	No. 38	" 1884	66.75
Etna Portner	No. 40	" 1883	105.00
Nellie Rickett	No. 41	" 1883	105.00
C. A. Beck	No. 51	" 1883	30.00 increase.
A. Kennedt	Sup.	" 1884	5.00 "
John Ryan	Portress	" 1884	50.00
M. Harrison	Sup.	" 1884	17.50 increase.

35 *Recapitulation.*

Amounts due for 1882:

Teachers	20,136.08	
Supernumeraries	226.65	
Portresses	1,083.50	
Total		21,446.23

Amounts due for 1883:		
Teachers		56,554.00
Amounts due for 1884:		
Teachers	34,679.70	
Supernumeraries	684.40	
Portresses	2,094.00	
Total		37,458.10
Grand total		115,458.33 (should be $115,558.33)

Error in the additions (mistake of $100).
Grand total, $115,558.33. (Ordinance 14675.)

36 *Petition of Intervention of the Drainage Commission of New Orleans and Order of Court Thereon.*

Filed November 17th, 1898.

Civil District Court, Division "D."

STATE *ex Rel.* MISS WILDER ET AL.
vs.
THE BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

To the honorable the judges of the civil district court for the parish of Orleans:

The petition of intervention herein of the Drainage Commission of New Orleans, a body politic created by the General Assembly of Louisiana by the act No. 114 of 1896, approved July 9, 1896, which act has been amended by act No. 63 of 1898, approved July 9th, 1898, of which R. M. Walmsley, of the city of New Orleans, is president, respectfully shows:

First. That your petitioner has a legal right and interest to intervene in this cause and to oppose the claim and demand of the relator herein, and it refers to the said acts of legislation and makes the same a part of this petition of intervention.

Second. That, as appears by said act No. 114 of 1896, the city of New Orleans devised a certain plan of drainage and the same was adopted by the council of said city by ordinance of the city approved July 10th, 1895, and the said plan of drainage and a copy of the ordinance adopting the same are hereto annexed and made part of this petition as Exhibits I A and I B, and the said plan of drainage was adopted by the General Assembly of Louisiana by said act of 1896, with power to said drainage commission to modify the same as circumstances might require.

Third. That by said legislation of the General Assembly of Louisiana of 1896 that portion of the funds in the hands of the board of liquidation, under the provisions of act No. 110 of the General Assembly of Louisiana of 1890, accruing to public
37 works, &c.—that is to say, to permanent public improvements—was and is dedicated and applied for the purpose of drainage of the city of New Orleans under the provisions and for all

the purposes of the said act No. 114 of 1896, as well as all moneys and funds then under the control of the city of New Orleans or thereafter to be received arising from the sale of street railroad franchises and other franchises, and it was provided that all moneys or funds thus dedicated should be drawn and expended by said drainage commission by checks, signed by the president and secretary and countersigned by the mayor.

Fourth. That by the sixth section of said act No. 114 of 1896 it was provided that the works performed by said commission should so far as possible be done in such manner as to benefit all parts of the city without discrimination as to locality, and in order to raise funds for the purpose of doing such work speedily and on an extensive scale said Drainage Commission of New Orleans should have power to issue and dispose of its negotiable bonds to an amount not exceeding $5,000,000 in sundry denominations, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually, to be sold by said commission at not less than par, and further provision was made in said section for the form and maturity of said bonds, and it was further therein provided that all moneys and funds dedicated and applied as aforesaid by said act to the purpose thereof were and are consecrated to the payment of the principal and interest of said bonds, and by section 7 of said act it was further provided that all the provisions of said act respecting the dedication and application of funds and money should constitute a contract with the holder or holders of bonds issued as aforesaid, the obligation of which contract should not be impaired and should be enforceable by any holder of said bonds by proceedings of mandamus and injunction, or by other
37½ proper proceedings in court; that by said amending act No. 63 of 1898 said sections 6 and 7 of the said act of 1896 were amended and re-enacted so as to limit such issue to $1,500,000 in denomination of $1,000 each, and it was declared that all moneys and funds dedicated and applied to purposes of drainage aforesaid were primarily consecrated to the payment of the interest on said bonds and the redemption of the principal thereof with the detail set forth in said amending act, and that all of the said provisions respecting the dedication and application of funds and moneys should constitute a contract primarily with the holder or holders of said bonds, as aforesaid, to the extent aforesaid, and also with each and every person or corporation that might have entered into contracts with the said commission, and the obligation of said contract as to dedication and application of funds and moneys should not be impaired and might be enforced by any holder of said bonds or by any contract creditor of said commission by proceedings of mandamus and injunction, or by other proper proceedings in court.

Fifth. That in proceedings brought by the State of Louisiana against the persons composing the said Drainage Commission of New Orleans and decided by the supreme court of Louisiana June 21, 1897, the said act No. 114 of 1896 was decided to be a proper and valid act of legislation, and the contracts hereinafter set forth were entered into in view of said decision.

Sixth. That on the faith of the drainage legislation above set forth of 1896, the dedication and consecration of funds thereby, and the contract rights therein recognized and established, your intervenor has entered into large contracts for the construction of the work so directed to be done, and, among others, as follows:

38

With the National Contracting Co. by contract on August 9, 1897, for an amount of work estimated at	$1,768.428
For the Jordan Avenue canal, with F. B. Camors; total cost By contract of April 22nd, 1898.	10,054.67
For Seventeenth St. canal, with E. A. Grasser; total cost By contract of Jan. 18, 1897.	46,170.70
Tulane University, Dec., 1897	2,500.00
For reconstruction and excavation of certain canals by contract with J. J. Keegan By contract of April 2, 1898.	7,341.98
	1,834,465.35

Whereon payments have been made of $317,552.05, leaving outstanding and yet to be paid upon said contracts as entered into, up to the 12th of May, 1898, the sum of $1,516,913.30. Since May 12, 1896, there has been paid upon said contracts or some of them the sum of 479,811.01, leaving still to be paid upon said contracts the sum of $1,037,102.29, which must be met with the funds set apart and consecrated by the act of 1898, No. 114, and cannot be met if such funds are reduced or impaired in anywise.

Seventh. That when said contracts were made it was well understood and was a fact that the funds so dedicated by said act coming in, as they were expected to come from time to time, were not sufficient to pay for the work to be done under said contracts, especially under that of the National Contracting Company, which was the principal one in amount, as the payments would fall due, but that the bonds provided by the 6th section of the said act of 1896

39 would be issued and sold in accordance with the plan of speedy and extensive work contemplated by said section.

That accordingly, under said provisions, this intervenor has advertised and sold to the highest bidder and for sums considerably above par its negotiable bonds made in accordance with said law to the amount or issue of $500,000, dated November 1, 1897, having forty years to run from said date, bearing interest at the rate of five per cent. per annum, payable semi-annually, and said bonds are now outstanding in the hands of *bona fide* purchasers, and it will be necessary in like manner to sell the remaining million dollars of said bonds.

Eighth. That all of the funds so, as aforesaid, dedicated and consecrated by said drainage legislation to the performance of said

work of drainage and the payment of said contracts and of the principal and interest of said bonds issued and to be issued are entirely and absolutely necessary and essential for said purposes, and if any of the funds coming to intervenor under said act of 1896 from the said law 110 of 1890 and from the portion thereby dedicated to permanent public improvements and so, as aforesaid, consecrated to the work of this intervenor are diverted to any other purpose, such diversion will be, and is hereby averred to be, a violation of the provisions of the said act No. 110 of 1890 and the constitutional amendment proposed thereby and adopted in 1892, and a violation of the said acts No. 114 of 1896 and 63 of 1898, and an impairment of the obligation of the contracts made and established by said act No. 110 of 1890 and by said constitutional amendment of 1892, and an impairment of the obligation of the said contracts so entered into by this intervenor with said contractors, and especially with the National Contracting Company aforesaid, and of the contracts evidenced by said bonds issued and sold by intervenors for the purpose of carrying out said contracts, and to be
40 issued and sold.

Ninth. That the contracts of intervenor hereinbefore set forth were made and entered into and its said bonds prepared and provided, as aforesaid, before the adoption of the constitution of 1898, to wit, before May 12, 1898; that the alleged assumption by the city of New Orleans of the claims of relators was not made until on and after July 26, 1898, and long after the said contracts of this intervenor had been entered into, as aforesaid, and after arrangement had been made for the issue of said bonds, and after $500,000 of same had been advertised, sold, and issued, as aforesaid, as will appear by the ordinances referred to and relied upon by relators.

Tenth. This intervenor further allege- that the articles 315, 316, and 317 of the constitution of Louisiana and any other provisions of said instrument upon the same subject-matter as sought to be applied by relators in this proceedings and for the purpose of obtaining the relief claimed by them herein are illegal, null, void, and unconstitutional.

1. They violate the enabling act No. 52 of 1896, approved July 7, 1896, of the legislature of Louisiana, whereby the convention that framed the constitution of 1898, which was to be adopted without submission to the people, was strictly limited in its powers and was prohibited from enacting or ordaining or framing any article or ordinance on the subjects so withheld from its competence, especially any article or ordinance whereby the bonded indebtedness of any parochial, municipal, levee, or other political corporation of the State of Louisiana should be affected, impaired, or scaled, or the principal or interest thereof limited, reduced, suspended, or abolished without the consent of the holders of such bonds or security, which consent has never been given by any holder.

41 2. They violate section 10 of article 1 of the Constitution of the United States, whereby the State of Louisiana is forbidden to pass any law impairing obligations of contracts.

3. They violate the provisions of article 14 of the amendments of

the Constitution of the United States, which prohibit any State from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States or depriving any person of property without due process of law.

4. They violate the provisions of and impair the obligations of the contracts established under the enactments of said act No. 110 of 1890 and the constitutional amendment submitted thereby and adopted in 1892:

(a.) By the issue and sale of bonds for purposes not provided, but inhibited, by *a* said act and amendment.

(b.) By impairing and infringing upon the surplus of proceeds from the tax so provided for permanent public improvement by said act and amendment, and so, as aforesaid, consecrated and dedicated to drainage by the said act of 1896.

(c.) By impairing the obligation of the contracts made under said act of 1890 and amendment of 1892, and especially provided for in section 16 of said act of 1890.

(5.) They impair the obligation of the contracts made, as aforesaid, by this intervenor and the contract obligations in favor of the holders of bonds issued and sold by intervenor under the said drainage act of 1896 and its amendments, as aforesaid, and bonds still to be issued, which depend for their fulfillment and solution upon said funds dedocated, as aforesaid, by the act of 1896 and amendments, and cannot be met unless said funds remain unimpaired.

Eleventh. That the funds dedicated to the work of intervenor being so established and limited, and said contracts having been made and said bonds issued by it, — is the legal duty of the
42 Drainage Commission of New Orleans to intervene herein and to protect said funds and the contracts made and bonds issued by it. It specially claims the right and immunities hereinbefore set up under the Constitution of the United States, as well as the other rights, privileges, and immunities hereinbefore pleaded.

And the premises considered, your intervenor prays leave to intervene herein and to oppose the claims and demands of relators, and for due citation and other process, and that the demand of the relator- may be rejected, and for costs and general relief.

(Signed) HOWE, SPENCER & COCKE,
Att'ys for Intervenor.

Nov. 15, 1898.
Service accepted for relators.
(Signed) CHAS. J. THEARD,
ARTHUR McGUIRK, *Att'ys.*

Order.

Let this petition of intervention be filed as prayed for.
New Orleans, November 15th, 1898.
(Signed) N. H. RIGHTOR, *Judge.*

43 Ordinance No. 10991, council series, adopting the plan of drainage devised by the city of New Orleans, marked "I B," annexed to and made part of intervention of the Drainage Commission of New Orleans.

Filed November 17th, 1898.

I[a] goes up in original.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *July* 10, 1895.

No. 10991, council series.

An ordinance adopting a system of drainage for the city of New Orleans.

Whereas, the advisory board of drainage, after a thorough research and exhaustive labors have formulated a plan of drainage of the entire area of the city of New Orleans, and have submitted said plan to the council of the city of New Orleans for their approval, therefore, be it ordained that the plan of drainage as submitted by the advisory board be, and the same is hereby approved and accepted and made the plan of drainage to be put in execution in the city of New Orleans with this exception.

That the Broad Street canal, and the provisions made therefor, in making it the main canal for the drainage system, be amended so as to conform to a plan submitted by the city engineer providing for the covering of same.

Be it further ordained, That the plan and system of drainage for the city of New Orleans, as recommended in their report by the advisory board on drainage for the city of New Orleans, and as amended by plans of the city engineer relating to the covering of the main canal on Broad street, be, and the same are hereby approved and ratified by the common council of the city of New Orleans.

Be it further ordained, That the city engineer be and he is hereby directed to prepare detailed plans and specifications for the
44 executing of the work as provided in this ordinance.

And the said city engineer is hereby authorized to draw for the cost of the preparing of said detailed plans and specifications and continuance of said bureau from the funds in the treasury of the city of New Orleans set aside for drainage purposes, and the comptroller be and he is hereby directed to transfer the sum of $5,000 five thousand dollars from amount set aside for drainage purposes in accordance therewith.

Adopted by the council of the city of New Orleans, July 10, 1895.

(Signed) DAN. A. ROSE,
Clerk of Council.

Approved July 10, 1895.

(Signed) JOHN FITZPATRICK, *Mayor.*
(Signed) CLARK STEEN,
Secr. to the Mayor.

MAYORALTY OF N. O., *Nov.* 9, '98.

I hereby certify the above ordinance to be a true and correct copy of the original ordinance No. 10990, C. S., on file in this office.

(Signed) J. S. WATERMAN,
[SEAL.] *Chief Clerk of Mayor.*

Answer of the Board of Liquidation of the City of New Orleans.

Filed November 17th, 1898.

Civil District Court, Division "D."

STATE *ex Rel.* L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

45 Now *the* comes The Board of Liquidation of the City Deby, defendant herein, and, for answer to plaintiffs' petition and for return to the alternative writ of mandamus herein, it says:

First. That it denies all and singular the allegations of the petition of plaintiffs, except so far as may be hereinafter specially admitted.

Second. Further answering, respondent shows that it was created by act No. 133 of 1880, and that by section 2 of said act it is charged with exclusive control and direction of all matters relating to the bonded debt of the city of New Orleans; that in the issue of bonds or the application of their proceeds respondent has not only the right, but it is made its duty, by the said act of 1880 and other acts amendatory thereof or supplementary thereto, to examine and be satisfied as to the validity and correctness of any claim, either for bonds or funds, under its administration, and that by section 4 of the said act respondent is forbidden, under heavy penalties, to purchase, exchange, or retire any obligation of the city of New Orleans that shall be deemed fraudulent or invalid by any one of its members, in which latter event it is forbidden to purchase or retire the same until the holder or holders shall have applied to the proper court for relief, when, if final judgment be in his favor, it shall be deemed a valid obligation of the city; that by the said section severe penalties of fines and imprisonment at hard labor are prescribed for the auditing, funding, purchase, or retirement of any obligations not deemed valid by any member of the board or for the use of funds in their custody and care for any purpose other than those contemplated by the law.

Third. That respondent is the custodian and administrator, for the purpose of meeting the interest upon and eventually retiring all bonds of the city of New Orleans outstanding and unpaid at
46 the date the constitutional amendment of 1892 went into effect, premium bonds and constitutional bonds issued under said amendment and the act carrying the same into effect, and as to every act which it has lawful power to do in relation to the issuance of bonds or the disbursement of moneys which are or come

into its possession, it is a trustee for the parties by law entitled to said bonds and to receive the funds realized from the sale thereof or otherwise coming into the possession of respondent.

Fourth. That all of the functions, powers, duties, limitations, and restrictions pertaining or applying to respondent by said act 133 of 1880 are recognized and confirmed by the amendment to the constitution of the State adopted at the general election of 1892, and act 110 (or 36) of the General Assembly of 1890, which is part of the said amendment; that the said constitutional amendment and act are recognized in full force and effect by articles 314 and 318 of the constitution of the State of 1898.

Fifth. Further answering, respondent shows, and specially pleads, in defense of this suit that articles 315, 316, and 317 of the constitution of the State of Louisiana of 1898 are unconstitutional, null, and void and of no effect on the ground and for the reasons that they are in violation of section 10, article 1, and of the 14th amendment of the Constitution of the United States, in that they impair the obligation of contracts, specifically hereinafter set out, deprive persons of their property without due process of law, and deny them the equal protection of the laws, as is more particularly hereinafter set out.

Sixth. Further answering, respondent shows that the direction of article 317 of the constitution of 1898 that your respondent provide the funds requisite to pay the claims described in articles 315 and 316 of that instrument by the sale of a sufficient number of
47 constitutional bonds of the city of New Orleans of the issue provided for by act 110 of the General Assembly of the year 1890, and by the amendment to the constitution of the State submitted to the people by said act, and adopted at the general election of 1892, is violative of said section 10, article 1, and the 14th
48 amendment of the Constitution of the United States, as will more fully and in detail appear from the following, to wit:

(a.) By section 1 of the said constitutional amendment of 1892, which with act 110 (or 36) of 1890, part thereof, is the sole authority of respondent, the creature of statute, for the issuance of said bonds, it is declared that the former is for the purpose of retireing the then existing valid outstanding bonds of the city of New Orleans, including bond certificates or bonds issued under the act of the legislature of 1882, and to retire judgments then or thereafter rendered against the city on floating-debts claims, prior to 1879, entitled to be funded under act No. 67 of 1884; that the said bonds shall be applied by respondent to the retirement of the said outstanding bonds and judgments by the sale of the former and application of the proceeds thereof to pay or purchase said outstanding bonds or judgments or by exchanging the said constitutional bonds for bonds on the terms and in the mode prescribed by the legislature.

That for the payment of the interest and principal at maturity of said constitutional bonds and other bonds then outstanding and not retired under the amendment, and for the payment of the annual allotments and premiums of the premium bonds of said city, the latter is authorized and directed to levy annually and

until the full payment of the said bonds a special tax of one per cent. on all real and personal property of the city, the same to be paid over, as collected, to and applied by your respondent to the payment of the interest and principal at maturity of the said constitutional bonds, outstanding bonds not retired at the date of said amendment, and to the payment of the allottments of premium bonds and premiums extant in the hands of holders.

That said tax is declared to be the contract right of the holders of said bonds, and that after the payment of all the annual
49 interest on said constitutional bonds and bonds not retired as aforesaid, and the payment of said annual allottments of premium bonds and premiums extant in the hands of holders, and after making provision for a sinking fund at such time and of such amount as the legislature prescribes, the surplus of said one per cent. tax shall be disposed of as prescribed by the legislature.

That act No. 36, appearing in the published acts along with said constitutional amendment as act 110, of the General Assembly of 1890, being an act to carry into effect the said constitutional amendment, is, by the third paragraph of the latter, approved and confirmed in all of its parts as a contract between the city of New Orleans and the holders of the aforesaid constitutional bonds, premium bonds, and all bonds then outstanding and not retired, as aforesaid.

(*b.*) That by section 1 of said act 110 (or 36) of 1890, the city of New Orleans was authorized and empowered to issue bonds to the extent of ten millions of dollars, in order to provide for the retirement of the then outstanding bonded indebtedness of the city of New Orleans and such other indebtedness as under laws then existing was or thereafter became entitled to be funded into any series of bonds, premium bonds excepted, the said bonds to be so issued for such purpose to be known as constitutional bonds of the city of New Orleans.

The said bonds were directed to be delivered to your respondent, to be used for the purpose just described, in accordance with the provisions of said act of 1890.

That by section 2 respondent was authorized to sell and dispose of such amounts of said constitutional bonds as might be deemed requisite for the purpose thereafter expressed in said act.

That by section 3 of the said act of 1890 it is prescribed that the funds derived from said bond sales should be immediately
50 deposited to the credit of a special fund called the "bond sales fund," and by said section it was declared that the said fund should be used solely and exclusively for the following purposes:

(*A.*) Retiring by payment all the then outstanding valid bonds of the city of New Orleans, matured or subject to be called, including certificates for bonds issued under the fourth section of act No. 58 of 1882.

(*B.*) Judgments then or thereafter rendered on floating-debt claims, prior to 1879, entitled to be funded under act No. 67 of 1884.

(c.) That by section 7 of said act of 1890 it is made the duty of the council of the city of New Orleans to levy for the year 1892,

and annually thereafter until the principal and interest of said constitutional bonds are fully paid, a special ad valorem tax of one per cent. upon all taxable property in the city of New Orleans.

That by section 8 respondent is directed, beginning with the year 1892, to annually provide for the carrying of the premium bond plan, the payment of the interest upon the said constitutional bonds, and of the interest upon all other then outstanding interest-bearing bonds of the city of New Orleans, and after the year 1925 for the annual sinking fund necessary to call and retire the number of bonds provided in section 9 of the act, which are $50,000.00 annually, from and including the year 1926, until the year 1937, and thereafter $700,000.00 annually, until the whole issue shall have been cancelled and retired; that after making in each year the provisions required by said section 8, and after deducting the expense incurred by respondent, and after paying any deficiency in the interest fund of previous years, it is directed by said section 8 that one-half of the surplus of said tax shall be passed to the credit of a special fund, to be known as the "permanent public improvement fund," to be disposed of as is afterwards provided in the act; the
51 other half of said surplus to be paid over to the school board of the city of New Orleans, in addition to any fund appropriated by said city out of other funds, to be used in the maintenance and support of the public schools in New Orleans.

(*d.*) That by the provisions of section 10 of said act the said permanent public improvement fund shall be used exclusively for the construction of permanent public improvements in the city of New Orleans, such as levees, canals, drainage stations, and the like, all ordinances of the council therefor to be paid out of that fund, only upon approval, however, by respondent.

(*e.*) By section 11 of said act your respondent, as established by act No. 133 of 1880 and as constituted at the adoption of the said act of 1890, was created a body corporate, with right of existence and succession, until January first, 1943, the said section further declaring that nothing in said act of 1890 contained should be construed to affect or change in any manner the duties, powers, and functions of respondent under laws then existing not inconsistent with said act, but that said duties, functions, rights, and powers were confirmed and maintained in all respects.

(*f.*) That the functions, powers, and responsibilities of respondent, as hereinbefore set out and as existing under the laws creating and pertaining to it, are impliedly, if not expressly, recognized and confirmed by article 318 of the constitution of the State of 1898, and are so expressly recognized as of full force and effect by article 314 of said constitution of the State of 1898.

Seventh. That by act No. 114 of the General Assembly of 1896, particularly section 3 thereof, that portion of the funds in the hands of respondent, under the provisions of sections 6 and 10 of act 110 (or 36) of the General Assembly of 1890, accruing to public works, etc,, meaning the one-half of the surplus of the one per cent. tax dedicated to works of permanent public improvement by
52 said sections of the said act of 1890, is dedicated and applied *the* the specific public improvement of draining of the city of

New Orleans substantially in accordance with the plan for such drainage adopted by the council of the said city by ordinance 10091, council series, approved July 10th, 1895; that by section 6 of said act the drainage commission, created by the latter to control and execute the said drainage, is given the power to raise funds for the purpose of said work by the issuance and disposal of its negotiable bonds to an amount not exceeding five millions of dollars, and all moneys and funds dedicated and applied by the said act to the purposes thereof are consecrated to the payment of the principal and interest of said bonds; and your respondent shows that the said one-half of the said surplus of the said one per cent. tax mentioned and described in sections 6 and 10 of said act of 1890 are embraced within such description.

And by section 7 of said act of 1896 all the provisions thereof respecting the dedication and application of funds and moneys will constitute a contract with the holder or holders of the said bonds, the obligation of which shall not be impaired.

That by act No. 63 of the General Assembly of 1898 the said act of 1896 is amended in certain particulars, and the said dedication of the said funds to the payment of the principal and interest of said bonds is repeated by section 7 thereof, which also declares that all the provisions of the act respecting the dedication and application of funds and moneys shall constitute a contract primarily with the holder or holders of said bonds, and also with every person or corporation that may have entered into contracts with the said commission, and the obligation of said contract as to the dedication and application of funds and moneys shall not be impaired, and may be enforced by any holder of said bonds or by any contract creditor of said commission by proper proceedings.

53 Eighth. That there have been issued and are now outstanding and unpaid eight millions nine hundred and ninety-eight thousand five hundred dollars of said 4% constitutional bonds and —— dollars of premium bonds, to carry which, and to execute in other respects the premium-bond plan, the sum of three hundred and fifty-nine thousand nine hundred and forty dollars is annually required; that there are of ordinances passed by the council to provide for sums due upon contracts for permanent public improvements entered into prior to the adoption of said act 114 of 1896, two hundred and nine thousand nine hundred and eighty-five and $\frac{5}{100}$ dollars; of bonds issued by the said drainage commission, five hundred thousand dollars; of obligations resulting from contracts made by said drainage commission, outstanding and unpaid, the sum of —— dollars.

That if any burdens other than those enumerated in the said constitutional amendment of 1892 and the said act No. 110 (or 36) of 1890 be placed upon said one per cent. tax, or made payable out of the same, or upon the funds derived from the sale of said constitutional bonds, there will be caused a corresponding diminution of the surplus of said tax, divided, as aforesaid, between said permanent public improvement fund, dedicated and consecrated, as aforesaid, to the payment of the bonds of said drainage commission, and the

school board of the city of New Orleans, for the support and maintenance of the public schools; that by article 254 of the constitution of 1898 it is expressly provided that the schools of the city of New Orleans shall continue to receive from your respondent the amounts to which they are entitled under the constitutional amendment of 1892; so that if articles 315, 316, and 317 of the constitution of 1898 are valid and constitutional as regards the Constitution of the United States, which is denied, their fair construction is that they were intended to have no effect upon and in no respect
54 diminish the one-half of said surplus given by the amendment of 1892 and the act to carry the same into effect to the school board of the city of New Orleans for the support and maintenance of the public schools.

Ninth. Further answering, respondent shows that in any event, in no sense waiving, but, on the contrary, insisting upon all of the defenses hereinbefore set out, that it was beyond the power and authority of the constitutional convention of 1898 to adopt said article 317 of said constitution; that the adoption thereof was in violation and disregard of the prohibition contained in section 3 of act No. 52 of the General Assembly of 1896, particularly the first paragraph thereof; by which said act, provision was made for the submission to the people of a proposition to hold a convention for the purpose of framing and putting into effect a new constitution, and to fix the powers of said convention: that by said section it is provided that the said convention shall be and was prohibited from enacting, ordaining, or framing any article or ordinance whereby the bonded indebtedness of the State or of any parochial, municipal, levee, or other political corporation should be affected, impaired, or scaled, or the principal or interest thereof remitted, reduced, suspended, or abolished, without the consent of the holders of such bonds or securities.

That said proposition, with all its conditions and limitations, was accepted and approved by a majority of the duly qualified electors of the State, at an election held on the second Tuesday in January, 1898, upon the terms and conditions set out in said act; that there was administered by the chief justice of the State to each delegate of said convention the oath set out in section 4 of said act, to the effect that he would observe and obey the limitation of authority contained in the act under which the convention was assembled; that the sole authority for the assembling of said convention
55 was the said act of 1896, and the approval thereof by a majority of the duly qualified electors of the State, and the taking of the said oath by each delegate, as aforesaid, signified their willingness to be bound by the limitations placed by said act, and a majority of the duly qualified electors of the State; which limitations would, however, have been binding without the administration of said oath.

That article 317 affects and impairs, both in principal and in interest, the 4% constitutional bonds of the city of New Orleans, all other bonds of said city, other than premium bonds, outstanding at the date of the said constitutional amendment of 1892, premium

bonds, bonds issued by the drainage commission, contracts entered into for works of permanent public improvement by the city of New Orleans prior to the adoption of act 114 of 1896, and contracts entered into by the drainage commission for the doing of work, the execution of which was committed to them; that none of the holders of said bonds or contracts, which are indebtednesses or securities in the sense of the second paragraph of section 3 of said act 52 of 1896, gave their consent to the adoption of said article 317, and hence that the same is null and void for a want of power in the said convention to adopt it.

Tenth. Further answering, respondent shows that articles 315, 316, and 317 of the constitution of 1898, if there was power in the constitutional convention to adopt them, which, as aforesaid, is denied, are, and if carried into effect will, impair the obligations of the following contracts:

(*a.*) The contract with the holders of the constitutional bonds of the city of New Orleans created and established by the said constitutional amendment of 1892 and act 110 (or 36) of 1890, which contract is that none of said bonds shall be issued, nor the proceeds of the sales thereof applied, nor any portion of the one per cent.
56 tax thereby provided used for any purpose other than those enumerated in said amendment and act, and the purposes for which the said articles of the constitution provide for the issuance of constitutional bonds are not enumerated in nor authorized by the said constitutional amendment and act, a statement of the number and amounts of said bonds now outstanding and unpaid being herewith filed and marked Exhibit "A."

(*b.*) The holders of outstanding bonds of the city of New Orleans not retired by said constitutional amendment of 1892, other than premium bonds; a detailed statement of which bonds is filed herewith as part hereof and marked Exhibit "B."

(*c.*) The holders of premium bonds outstanding and unpaid; a detailed statement of which is filed herewith as part hereof and marked Exhibit "C."

(*d.*) The contract or vested right in favor of the school board of the city of New Orleans, or the schools, or the school children, or their parents, resulting from the dedication of one-half of the surplus of the said one per cent. tax found in the said constitutional amendment of 1892 and the act of 1890, such portion of said surplus having been held, in Fisher *vs.* Board of School Directors, 48th An., 1077, to be vested right, of such a character as cannot be impaired by legislation, and if such vested right be of such character it is equally beyond impairment by constitutional enactment.

(*e.*) The holder of ordinances of the city of New Orleans directing the payment of sums due under contracts for work of permanent public improvement entered into prior to the adoption of act 114 of 1896, a detailed statement showing the number and amounts of said contracts and the parties thereto being filed herewith as part hereof and marked Exhibit "D."

(*f.*) The holders of bonds issued by the drainage commission and the contractors payable out of said fund; a statement of the amount

of which bonds now outstanding is filed herewith as part
57 hereof and marked Exhibit "E."

That the said articles 315, 316, and 317 of the constitution of 1898, particularly the article last named, are null, void, and of no effect for the reason that they impair the obligation of the said contracts, deprive the owners thereof of their property without due process of law, and deny them the equal protection of the laws; all in violation of section 10, article 1, and the 14th amendment of the Constitution of the United States.

Further answering, respondent shows that by law it is a trustee for the holders of all bonds of the city of New Orleans outstanding and unpaid at the date said constitutional amendment of 1892 went into effect, and which have not been retired under the latter; for all holders of said constitutional bonds; for all contractors of the city of New Orleans entitled to be paid out of the one-half of the surplus of the said one per cent. tax provided by said constitutional amendment of 1892 and the act of 1890; for all contractors of the drainage commission having rights upon the same said fund; for all holders of bonds issued by said drainage commission; for all holders of premium bonds; that it is a trustee of all moneys received by it for the benefit of those who are entitled to it by law; that relators have no right or title of any description to the issue of constitutional bonds in any amount, nor to any portion of the proceeds of the sale thereof, nor to any portion of the one per cent. tax levied and collected and paid over to respondent under said constitutional amendment of 1892 and the act of 1890.

Wherefore respondent prays that the alternative writ of mandamus herein issued be quashed and set aside; that plaintiffs' demand be rejected and their suit dismissed with costs, and for general relief.

(Signed) BRANCH K. MILLER,
Attorney for Respondent.

58 STATE OF LOUISIANA, }
Parish of Orleans. }

Personally appeared Robert M. Walmsley, who, being duly sworn, deposes and says that he is president of The Board of Liquidation of the City Debt, defendant herein; that the facts and allegations in the foregoing answer are true and correct.

(Signed) R. M. WALMSLEY.

Sworn to and subscribed before me this 17th day of November, 1898.

(Signed) W. H'Y ALLEN, *D'y Cl'k.*

59 Statement of the number & amounts of constitutional bonds of the city of New Orleans outstanding and unpaid, marked Exhibit "A," annexed to and made part of answer of Board of Liquidation of the City of New Orleans.

Filed November 17th, 1898.

Board of Liquidation City Debt, City of New Orleans, La.; office, room 10 city hall, New Orleans, La.

Members of the Board.

Walter C. Flower, mayor, city of New Orleans.
P. A. Rabouin, comptroller, city of New Orleans. } *Ex officio.*
Geo. B. Penrose, treasurer, city of New Orleans.

Ed. A. Palfrey, Wm. B. Schmidt, J. C. Morris, W. T. Hardie, W. R. Stauffer, R. M. Walmsley.

Officers of the Board.

R. M. Walmsley, president; Ed. A. Palfrey, vice-president; Branch K. Miller, attorney; T. Wolfe, Jr., secretary; Bernard C. Shields, ass't secretary.

NEW ORLEANS, *July* 11, 1898.

To the hon. the mayor and city council of New Orleans.

GENTLEMEN: In accordance with section 11 of act No. 110 of the legislature of the State of Louisiana, we hand herewith a printed report in detail of the transactions of the Board of Liquidation, City Debt, for the past six months ending June 30, 1898.

Statement A—Detailed bonded debt statement.
Statement B—Detailed statement cash receipts and expenditures.
Statement C—Uncollected interest taxes.
Statement D—List of employés.
Respectfully submitted.

R. M. WALMSLEY, *President.*

T. WOLFE, JR., *Secretary.*

A.

Bonded Debt City of New Orleans, June 30, 1898.

Name.	Amount.	Maturity.	Interest.	Annual interest.
Constitutional	$8,998,500 00	1942, July 1	4 per cent.	$359,940 00
Premium bonds	5,224,900 00	Annually	5 per cent.	
Water works	10,000 00	1899, Jan. 1	5 per cent.	500 00
Carrollton	50 00	1902, Nov. 1	8 per cent.	4 00
Street improvement	10,000 00	1911, Aug. 1	7.30 per cent.	730 00
Gold bonds	117,000 00	1922, July 1	7 per cent.	8,190 00
Eight ⅌ int. only on $45,000 Carrollton Gas Co. bonds				3,600 00
Total bonded debt	$14,360,450 00			$372,964 00
23 years accrued interest at 5 ⅌ on $5,224,900 premium bonds	6,008,635 00			
Total	$20,369,085 00			

Coupons due January and July	$184,067 50
Coupons due February and August	365 00
Coupons due April and October	2,047 50
Coupons due May and November	2 00

T. WOLFE, JR., *Secretary.* R. M. WALMSLEY, *President.*

B.

Board of Liquidation in Account with Cash.

For six months ending June 30, 1898.

1898.					
Jan. 1.	Cash balance, as per official report				$668,077 44
	Dividend New Orleans Water Works Company.				8,835 75
	Constitutional bond tax,	1898	$302,406 24		
	" " "	1897	125,970 82		
	" " "	1896	27,664 26		
	" " "	1895	3,003 43		
	" " "	1894	1,599 80		
	" " "	1893	850 95		
	" " "	1892	818 61		
				462,314 11	
	Premium bond tax,	1891	254 53		
	" " "	1890	258 78		
	" " "	1889	56 04		
	" " "	1888	32 81		
	" " "	1887	145 19		
	" " "	1886	113 80		
	" " "	1885	117 55		
	" " "	1884	104 04		
	" " "	1883	92 33		
	" " "	1882	50 34		
	" " "	1881	49 69		
	" " "	1880	24 81		
	" " "	1879	19 19		
	" " "	1878	45 67		
	" " "	1877	12 61		
	" " "	1876	11 83		
				1,389 21	
	Redemption interest tax,	1891	254 58		
	" " "	1890	258 78		
	" " "	1889	56 08		
	" " "	1888	32 82		
	" " "	1887	145 19		

1898.				
June 30.	Paid public schools			$139,500 00
	" city ordinances for permanent public improvements			138,146 17
	" extended bonds of 1882	$5,000 00		
	" drawn premium bonds	86,460 00		
	" certificate bonds	385 00		
	" judgments	1,211 85		
			93,056 85	
	" constitutional coupons	183,640 00		
	" other bond "	7,632 06		
			191,272 06	
	" premium bond interest	96,302 00		
	" premium bond premiums	20,330 00		
			116,632 00	
	" salaries	4,059 90		
	" office expenses	1,058 59		
	" law charges	2,214 25		
	" city notary	125 00		
	" attorney	7,750 00		
			15,207 74	
	By cash balance			449,750 82

" " " 1886....	113 83	
" " " 1885....	117 57	
" " " 1884....	104 08	
" " " 1883....	66 09	
		1,149 02
Park bond tax of 1891.....	10 24	
" " " 1890.....	10 38	
" " " 1889.....	2 27	
" " " 1888.....	1 34	
" " " 1887.....	5 82	
" " " 1886.....	4 57	
" " " 1885.....	3 20	
		37 82
Taxes of 1878 and previous years.....		1,762 29
		$1,143,565 64

R. M. WALMSLEY, *President.*

T. WOLFE, JR., *Secretary.*

$1,143,565 64

C.

Uncollected Interest Taxes, Ending June 30, 1898.

Premium bond tax, 1891.....	$18,293 01	
" " " 1890.....	55,255 88	
" " " 1889.....	63,520 21	
" " " 1888.....	51,160 34	
" " " 1887.....	60,082 89	
" " " 1886.....	70,090 43	
" " " 1885.....	62,294 88	
" " " 1884.....	54,378 46	
" " " 1883.....	61,175 72	
" " " 1882.....	49,888 97	
" " " 1881.....	36,590 79	
" " " 1880.....	3,423 00	
Amount brought forward.....		$1,192,549 20
Park bond tax, 1891.....	$722 16	
" " " 1890.....	2,203 03	
" " " 1889.....	2,536 44	
" " " 1888.....	2,031 89	
" " " 1887.....	2,397 73	
" " " 1886.....	2,799 49	
" " " 1885.....	1,631 28	
		14,322 02
Constitutional bond tax, 1897.....	149,529 81	
" " " 1896.....	86,074 27	
" " " 1895.....	52,354 63	
" " " 1894.....	38,228 37	

Uncollected Interest Taxes, Ending June 30, 1898—Continued.

Premium boud tax, 1879	24,031 46	
" " " 1878	53,089 95	
" " " 1877	27,771 04	
" " " 1876	24,335 01	
		$715,382 04
Redemption interest tax, 1891	18,288 01	
" " " 1890	55,251 17	
" " " 1889	63,516 41	
" " " 1888	51,158 56	
" " " 1887	60,081 86	
" " " 1886	70,089 46	
" " " 1885	62,294 25	
" " " 1884	54,383 64	
" " " 1883	42,103 80	
		477,167 16
Constitutional bond tax, 1893	39,152 50	
" " " 1892	36,591 35	
		401,930 93
Constitutional bond tax, 1898		1,089,501 59
		$2,698,303 74

R. M. WALMSLEY, *President.*

T. WOLFE, JR., *Secretary.*

D.

List of Employés Board of Liquidation, City Debt, June 30, 1898.

T. Wolfe, Jr., secretary	Per annum,	$3,500
Bernard C. Shields, assistant secretary	"	2,400
Walton Fry, clerk	"	1,800
Geo. W. Lester, watchman	"	240
John Collins, messenger	"	180
Branch K. Miller, attorney	"	1,000
		$9,120

R. M. WALMSLEY, *President.*

T. WOLFE, JR., *Secretary.*

61 Statement (detailed) of outstanding bonds of the city of New Orleans, not retired by constitutional amendment of 1892, other than premium bonds, marked Exhibit "B," annexed to & made part of defendant's answer.

Filed November 17, 1898.

Coupon bonds	$137,050
Annual interest	13,024

Statement (detailed) of premium bonds outstanding & unpaid, marked "C," annexed to & made part of defendant's answer.

Filed November 17, 1898.

Estimated Amount Required to Carry Out Premium-bond Plan, Annually, to Maturity.

1899	$487,500	1913	$627,500
1900	497,500	1914	637,500
1901	507,500	1915	647,500
1902	517,500	1916	657,500
1903	527,500	1917	667,500
1904	537,500	1918	677,500
1905	547,500	1919	687,500
1906	557,500	1920	697,500
1907	567,500	1921	707,500
1908	577,500	1922	717,500
1909	587,500	1923	727,500
1910	597,500	1924	737,500
1911	607,500	1925	747,500
1912	617,500		

Unpaid undrawn premium bonds $5,126,780

Statement showing the number & amounts of contracts & the parties thereto, holders of ordinances of the city of New Orleans
62 directing the payment of sums due under contracts for work of public improvement entered into prior to the adoption of act 114 of 1896, marked Exhibit "D," annexed to & made part of defendant's answer.

Filed November 17, 1898.

Unpaid Ordinances, Public Improvement Fund.

13007	Chas. Spinks & Son, White St.	6	...	162.68
13038	Barber Asp. Pav. Co., Tulane Ave.	382	....	24.86
13084	Jno. McNally, Algiers court-house	9	....	10,395.48
13085	J. L. O'Connor, iron bridge	4	....	6,173.
13119	Manion & Co., artesian well	10	....	650.
13144	Harmon Hoey, Fischer place	2	...	465.25

13155	Barber Asp. Paving Co., Ursulines....	1....	2,676.72
		2....	2,820.22
		3....	2,821.95
13179	....	4....	2,848.87
		5....	2,872.61
		6....	2,833.32
		7....	2,881.43
		8....	2,863.90
		8½...	385.96
		9....	2,828.80
		10....	908.07
		11....	657.51
		12....	671.51
		13....	656.71
		14....	656.71
		15....	658.54
		16....	656.41
		17....	659.01
		18....	659.01
		19....	564.75
		20....	558.36
		21....	657.48
		22....	657.48
63		23....	1,045.95
		24....	1,044.09
		25....	657.66
13179	Barber Asp. Pav. Co., Ursuline St. cert.	26....	657.66
		27....	657.88
		28....	657.88
13190	Chas. Spinks & Son, Esplanade Ave...	1....	5,861.13
		33....	1,067.90
		34....	812.75
		35....	1,335.66
		36....	1,141.85
		37....	226.40
		38....	952.95
		71....	226.03
		72....	186.37
		73....	962.09
		74....	551.49
		75....	289.54
		76....	1,247.07
		77....	1,299.56
		78....	2,177.83
		79....	2,061.98
		80....	2,042.71
		81....	3,260.69
		82....	3,738.34
		83....	1,157.74
		84....	1,202.19
		85....	1,562.74

			86....	369.36
			87....	1,046.77
			88....	969.43
			89....	2,155.36
			90....	897.64
13203	.....		91....	1,029.18
			92....	3,289.95
13204	Reilly Frawley, Metarie Road cert.....		1....	4,742.80
64	13239	Gillette Herzog Co., iron bridge.	2....	6,000.
			1....	4,120.
13256	Chas. Spinks & Son, Esplanade Ave...		93....	241.06
13284	Reilly Frawley, Metarie road.....		2....	3,777.65
13324	Gillette Herzog Co., iron bridge		3....	6,930.
13379	O'Neill & Koch, school-house.....		2....	3,000.
13383	....		1....	3,000.
13431	Chas. Spinks & Son, Basin St.....		32....	3,073.35
			33....	227.39
			54....	2,756.85
			24....	1,502.40
			62....	2,998.31
			75....	5,296.78
			76....	4,805.59
			77....	1,419.19
			78....	4,456.86
13432	Chas. Spinks & Son, Esplanade Ave...		94....	341.77
			95....	435.33
			96....	384.26
13433	O'Neill & Koch, school-house		3....	3,000.
13459	Gillette Herzog Co., iron bridge		2....	5,880.
13520	O'Neill & Koch, school-house		5....	3,000.
13550	M. J. Flynn, St. Bernard circle.....		1....	2,496.26
13552	O'Neill & Koch, school-house		4....	3,000.
13553	F. Hoffman, " "		5....	6,151.
13600	O'Neill & Koch, " "		6....	3,000.
13628	F. Hoffman, " "		6....	1,369.80
13714	Chas. Spinks & Son, Kerlerec St.		1....	1,822.
			2....	2,337.82
13743	....		31....	1,143.99
			32....	2,652.68
13743	Chas. Spinks & Son, Kerlerec St.....		33....	2,711.25
			64....	1,697.16
				787.66†
			65....	[878.66]*
13856	O'Neill & Koch, school-house		7....	2,912.
	13860	Chas. Spinks & Son, Kerlerec St.	87....	305.42

[* Words and figures enclosed in brackets erased in copy.]
[† In pencil in copy.]

65	13896	Gillette Herzog Co., bridge.....	3....	300.
	14033	O'Neill & Koch, school-house...	8....	5,263.
14324		E. O. Grassed, judg't filling Poland St..	....	475.
				209,985.05†

O K.

(Signed) W. S. DOUGLAS, *Compt.*,
Per F. C. FONT.

14 Nov., '98. W. C.

Statement showing the amount of bonds & contracts outstanding & the holders thereof, issued by the drainage commission, marked Exhibit "E," annexed to and made part of defendant's answer.

Filed November 17, 1898.

Memorandum of Uncompleted Contracts Held by the Drainage Commission.

NEW ORLEANS, *November* 14*th*, 1898.

National Contracting Company:

Estimated cost of present contract	$1,768,428.00
Paid on ac.....	734,300.71
Unpaid.....	$1,034,127.29

F. B. Camors:

Extension of Jourdan Ave. system, Lafayette Ave., Florida walk, & Condensing basin.....	20,000.00
Paid on ac.....	9,060.87
Unpaid.....	10,939.13

E. A. Grasser:

Seventeenth Street canal...	46,140.70
Paid on ac.	44,840.70
Unpaid.....	1,300.00

W. Golding:

Repairs to Bienville station	600.00
Paid on ac.	575.00
66 Unpaid....	25.00

E. A. Grasser:

Claiborne St. canal.....	3,481.50
Unpaid....	3,481.50

[† In pencil in copy.]

Tulane university:

Testing cement	2,500.00
Paid on ac.	825.00
Unpaid	1,675.00

Drainage bonds, $500,000.

Answer of Defendant to Intervention of Drainage Commission of the City of New Orleans.

Filed November 17, 1898.

Civil District Court, Div. —.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

Now comes The Board of Liquidation of the City Debt, defendant herein, and for answer to the petition of intervenor it admits the facts stated therein and submits the issues raised by said intervention to the judgment of the court.

Wherefore defendant prays to be hence dismissed with costs and for general relief.

(Signed) BRANCH K. MILLER,
Attorney for Def'd't.

Continued.

Extract from the Minutes of Division D.

THURSDAY, *November* 17, 1898.

Present: Honorable N. H. Rightor, judge.

Civil District Court, Division D.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

This case was ordered continued to Tuesday, Nov. 22d,
67 1898, at 11 o'clock a. m.

Answer of Relator to Intervention of Drainage Commission of the City of New Orleans.

Filed November 22, 1898.

Civil Dist. Court, Ph. of Orleans, Division D.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
THE BOARD OF LIQUIDATION OF THE CITY DEBT; DRAINAGE COMMISSION, Intervenor. } No. 57806.

Now come the relators, Miss L. B. Wilder and others, by their undersigned counsel, and for answer to the petition of intervention of the Drainage Commission herein filed, they deny each and every allegation contained in said petition of intervention, and deny specially that the intervenor has any interest herein.

Wherefore relators pray that said petition of intervention be dismissed at intervenor's cost.

And for general relief, &c.

(Signed) ARTHUR McGUIRK,
CHAS. J. THEARD, *Att'ys.*

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

STATE OF LA. *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF CITY DEBT & BOARD of Drainage Commissioners, Intervenors. } No. 57806. Division "D."

Testimony on Behalf of Relators, Taken in Open Court on the 22nd Day of November, 1898, before the Honorable N. H. Rightor, Judge.

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Reporter's fee, $20.00.

(Signed) O. M. TENNISON,
Shorthand Reporter.

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

STATE OF LA. *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF CITY DEBT & BOARD OF Drainage Commissioners, Intervenors.
No. 57806. Div. "D."

Testimony on Behalf of Relators, Taken in Open Court on the 22nd Day of November, 1898, before the Honorable N. H. Rightor, Judge.

Present: Charles J. Theard and Arthur McGuirk, for relators; Branch K. Miller, for respondent; W. W. Howe, for intervenors, respondents.

Counsel for relator- produces, offers, and files in evidence duly certified copies of ordinances 14477, 14591, & 14675, all three of council series.

Also twenty-five (25) certificates of indebtedness in favor of Miss L. B. Wilder, one of the relators herein, and others. It being admitted by the Board of Liquidators and by the Board of Drainage Commissioners that all the other relators herein hold certificates similar in every respect, except as to the amount of each claim and the number of each certificate, said certificates now offered, as well as the other certificates, the production of which is dispensed with, being the certificates described in the petition herein and
69 issued under the ordinances just offered in evidence, amounting, in the aggregate, to the sum of $115,558.33, as stated in the ordinance of the city council.

Counsel for relators produces, offers, and files in evidence the list made part of ordinance No. 14591, C. S., which is annexed to and made part of the petition for mandamus herein.

JOHN W. WATSON sworn for relator-.

Examination-in-chief by Mr. THEARD:

Q. Mr. Watson, what is your position in the city treasurer's office?

A. I am chief clerk there.

Q. I asked you some time ago to prepare for me a memorandum showing for the last three or four years what was the assessed value of property in the city of New Orleans upon which taxes were collected by the city. Have you prepared that statement?

A. I have.

Q. Will you refer to it and give us the figures?

A. Omitting the hundreds, the assessment in 1898 as shown in the comptroller's office was $139,190,000. In 1896 it was $140,823,000, and in 1895 it was $140,567,000. There is a slight difference between the original figures of the board of assessors and the figures in the comptroller's office. I have taken the figures from the comptroller's office because those are the ones from which the tax bills of the city are made out.

Q. Those are the figures after all reductions of assessments have been made?

A. Yes, and the difference is trifling.

Q. What is the tax which the city of New Orleans imposes upon taxable property?

70 A. Twenty mills (20) or two cents (2) on the dollar.

Q. According to the figures you have just stated?

A. Yes.

Q. Out of those twenty mills how much does the city keep for herself for alimony?

A. Ten mills.

Q. That is one-half of the tax collected?

A. Yes.

Q. To whom does the other half go?

A. To the board of liquidation.

Q. Does the board of liquidation itself collect any money from the tax-payers, or does the city collect it and turn it over to the board of liquidation after its collection—the ten mills or one per cent. coming to the board?

A. The city of New Orleans collects the entire tax and turns over the one per cent. to the board of liquidation.

Q. With the collection of the tax itself the board of liquidators has nothing to do?

A. No.

Q. How does the board get their share of the total tax collected?

A. It gets it from the city comptroller, who pays to them one-half on the collection.

Q. In other words, I understand that if the city collects today fifty thousand dollars of taxes, it would turn over tomorrow or the next day twenty-five thousand dollars to the board of liquidators?

A. That is correct.

Q. The board of liquidators never collects any tax itself from the tax-payer?

A. No.

Q. Can it be stated accurately how much the tax will be that is collected by the city from year to year?

A. You mean how much percentage is collected on the assessment?

Q. That is what I want to find out.

71 A. You will get a very close approximation, and you can find out how much was collected each year up to a given date.

Q. Is the amount of tax due by the tax-payers and collected from year to year subject to variation or is it a fixed amount?

A. The amount to be collected depends upon the amount of the assessment.

Q. In other words, the assessment makes more or less from year to year?

A. Yes.

Q. And correspondingly the amount of tax would be greater or less?

A. Yes.

Q. Then there is an element of uncertainty as to what the ultimate result would be and the percentage of collections actually made?

A. Yes.

Cross-examined by Mr. MILLER:

Q. To what use is the money put collected by the city for taxes?

A. One-half of the amount is used for alimony of the city and the other half to pay the interest and principal of the bonded debt.

Q. The one-half of the taxes collected to pay the interest and principal on the bonded debt is turned over to the board of liquidators?

A. Yes.

Q. That is done under act of 1890?

A. That is done under the law, the act of 1890, and the acts before that.

Q. It is within your knowledge that one-half of the tax collected is paid over to the board of liquidators for the bonded debt?

A. Yes, under statutory law.

Q. The one per cent. that goes for alimony of the city and the one per cent. that goes to pay the interest and principal on the bonded debt are entirely distinct from each other?

A. Yes. They are on the same tax bill, but the bill states
72 on its face what is for alimony of the city and what is for interest on the bonded debt.

Q. You make a difference between those two taxes?

A. We do in this way: We enter the total amount collected, and then pay one-half to the board of liquidators, making the entry the same day, and turn over the money to the board of liquidators the next morning.

R. L. WALMSLEY sworn for relators.

Examinotion-in-chief by Mr. THEARD:

Q. Mr. Walmsley, you are president of the Board of Liquidation of the City Debt, are you not?

A. Yes.

Q. How long have you been president of that board?

A. I suppose about thirteen years, I think.

Q. You are also president of the Board of Drainage Commissioners, the corporation which has intervened here?

A. Yes.

Q. Will you tell us *whatever* the charges that you have to provide for under the act of 1890 are fixed charges or charges that vary from year to year?

A. You mean the things that we have to provide for?

Q. Yes.

A. They are fixed under the law, the amount that we have to provide for. We have to provide for carrying out the premium-

bond plan, and that amount varies from year to year. And then we have to provide for the interest on the bonded debt.

Q. That is fixed only in so far as the total number of bonds outstanding may remain the same from year to year?

A. Yes.

Q. What is the total amount of city four per cent. bonds issued up to the present time?

73 By referring to memorandum, I can give you the exact amount. According to the published statement of the board of liquidators the total amount is $8,998,500.

Q. How much is that less than the total amount of those bonds authorized to be issued?

A. $1,001,500.

Q. The full amount of bonds authorized to be issued was never issued up to the present time?

A. No.

Q. Do the charges and general expenses of the board of liquidators vary from year to year?

A. I have already stated that they vary on account of the allotment of the premium bonds and the distribution of premiums.

Q. Then the surplus which is divided, one-half to the school fund and one-half to the drainage commissioners, necessarily varies from year to year?

A. Of course.

Q. And it has always varied?

A. Certainly.

Q. It is not a fixed sum of money?

A. It is not, and it cannot be ascertained exactly.

Cross-examined by Mr. MILLER:

Q. The amount which is required to carry on the premium-bond plan, does that increase or diminish as time goes on?

A. It increases.

Q. The burden in regard to that is more this year than last year?

A. It would be more if the allotment of premium bonds was equal. You must understand that the city owns a certain proportion of premium bonds which was never issued. If the distribution of premiums were equal to the public and to the city, the amount required would be greater from year to year. But inasmuch as we never know what part will go to the city and what part will

74 go to the public, we do not know whether we gain or lose; it might be very extensive one year, and very little another.

Q. Are there now outstanding, nearing maturity, any class of bonds that, under the act of 1890, are to be retired?

A. Yes.

Q. What are those bonds generally known as—by what name are they known?

A. I can give to you data from the list that I have here: "Waterworks bonds, ten thousand dollars;" "Carrollton bonds, fifty dol-

lars; improvement bonds, ten thousand dollars; gold bonds, one hundred and seventeen thousand dollars;" total amount, one hundred and thirty-seven thousand and fifty dollars ($137,050).

Q. Those bonds, at their maturity, will have to be provided for by the sale of property or other bonds?

A. Yes; as contemplated in that act.

Q. And it therefore reduces in that way the difference between the amount of constitutional bonds now issued and the total amount of ten millions that can be issued?

A. Yes.

Q. The maturities of those bonds are stated in the report of the board of liquidators of last July, which is marked "Exhibit A" and filed with the answer?

A. Yes.

Counsel for respondent offers, produces, and files in evidence the exhibit marked "A," filed with the answer herein.

Cross-examined by Mr. HOWE:

Q. Mr. Walmsley, you are president also of the Board of Drainage Commissioners of New Orleans?

A. Yes, sir.

Q. Have you been so since its organization?

A. Yes.

Q. Do you remember about what time in 1896 it was organized under act No. 114 of 1896?

A. On the 15th of July or August of that year?

Q. It was organized some time between July, 1896, and January, 1897?

75 A. Yes.

Q. You remember that under the third section of that act certain funds were dedicated to that board, consisting first of a certain portion coming from the fund dedicated to public improvements, and secondly from funds realized by the sale of certain railroad franchises by the city?

A. Yes.

Q. Can you state to the court about how much of those funds have up to the present date been turned over to and come into the possession of the board of drainage commissioners?

A. We have received only the amount turned over to us from the city for the sale of railroad franchises. We have received nothing from the funds dedicated to public improvements.

Q. The amount which the drainage commissioners have received up to the present time is about five hundred and eighty thousand dollars ($580,000)?

A. Yes.

Q. That was received from the sale of railroad franchises?

A. Yes.

Q. You have not received anything yet from the public improvement fund, under that act No. 114 of 1896?

A. No.

Q. I call your attention to the fact that, under act No. 114 of 1896, the portion of the public improvement fund coming to the drainage commissioners is only to come to them after January the first, 1898. Do you remember that?

A. I think that is the date.

Q. Now, when for the first time do you expect to get anything from that public improvement fund?

A. From the tax levied for 1899, which is paid next October.

Q. Up to this time, and probably up to next October, you have not and will not receive anything under this act from the
76 public improvement fund?

A. No.

Q. And you don't expect to get anything out of that fund until about next October?

A. That is right.

Q. You remember, as president of the board of drainage commissioners, executing several contracts during the year 1897?

A. Yes.

Q. Do you remember specially the largest one, the one to the National Contracting Company, amounting to about seventeen thousand dollars, in round numbers?

A. Yes.

Q. Can you state whether or not those contracts are cash contracts, whether they have to be paid in cash from time to time?

A. Yes; cash is paid them from time to time on the furnishing of the engineer's certificate.

Q. As soon as a certain portion of work is done you pay the National Contracting Company and the other contractors on the engineer's certificate?

A. Yes.

Q. Now, calling your attention to the fact that these contracts were advertised under the law in the spring of 1897, or say as late as the month of June, 1897, and there being in sight at that time and for a long time thereafter only the sum of five hundred and eighty thousand dollars, what was the understanding of the commissioners and the city as to how the board of drainage commissioners would supply the fund necessary to meet the contracts amounting to nineteen hundred thousand dollars?

A. It was understood by the board, and also by the contractors, that the board would issue bonds and raise money on the bonds.

Q. The board had then received, on account of the railroad franchises sold, the sum of five hundred and eighty thousand dollars?

A. Yes.

77 Q. If I remember rightly, the bonds issued by the drainage commissioners were got ready in the summer of 1897?

A. Yes.

Q. Bearing date November the first, 1897?

A. Yes.

Q. How many of them have been sold?

A. Probably five hundred of those bonds have been sold.

Q. Will you tell the court when those bonds were advertised and sold under the law?

A. About last June.

Q. Were they sold at par or at a premium?

A. They were sold at a slight premium; some at a small premium and some at par, with accrued interest.

Q. The treasurer of the board has furnished a statement on the subject of premiums realized by the sale of those bonds, showing that the total amount realized was $505,238?

A. I suppose that is correct.

Q. I suppose that, as president of the board of liquidators, you are familiar with all these matters?

A. Yes.

Q. Suppose that the demands of the relators herein were allowed, and the board of liquidators was ordered to issue a hundred and fifteen thousand dollars of four per cent. constitutional bonds, under the act of 1890, what, as a matter of mathematics, would be required to pay the interest on those hundred and fifteen thousand dollars of bonds?

A. About forty-six hundred dollars annually.

Q. Now, what effect would that immediately have upon the surplus coming under the act of 1890 to the permanent public improvement fund?

A. It would reduce it by half that amount—that is, by twenty-three hundred dollars.

Q. Suppose that under article 254 of the constitution of
78 1898, to which I now call your attention (reading article 254 of the constitution)—suppose that the school fund of the city was to be protected, as stated in the article, what would be the result of the surplus, if any, to the public improvement fund?

Counsel for relator- objects to this question on the ground that it is irrelevant and is a question of law.

A. As I stated, Mr. Howe, that part of the fund would have to pay the teachers.

Q. The drainage fund would be impaired to the extent of forty-six hundred dollars per annum?

A. Yes, during the life of the bond, about forty-five years.

Q. That would be about two hundred thousand dollars?

A. About that.

Q. You have had a long experience as a financier. Can you tell the court whether or not the funds dedicated to the drainage work are absolutely necessary to meet the contracts that you have made?

A. They are absolutely necessary.

Q. There is no personal liability on the part of the members of the board?

A. Certainly not.

Q. And there is no liability on the part of the city?

A. No.

Q. So that, to meet your contracts now outstanding, you have the

funds dedicated by the three sections of the act of 1890, consisting, first, of the sale of franchises which has already given five hundred and eighty thousand dollars, and what is coming to you in the future from the public improvement fund and nothing else?

A. Nothing else.

Q. And you think, as a financier, that all that is absolutely necessary to meet your obligations?

A. Absolutely necessary. In fact, when the bonds were pre-
79 pared the amount we could realize upon them was entirely inadequate for our purposes, and we went before the legislature and asked them to reduce the amount of these bonds from five millions to a million and a half.

Q. That was done by an act of the legislature of 1898?

A. Yes.

(By Mr. MILLER:)

Q. Why is it that the drainage commissioners have not received any portion of the public improvement fund?

A. Simply because the city council had made contracts for paving and other purposes, to meet which the amount of the public improvement fund received would be required up to January, 1899.

Q. Those ordinances of the city council were passed prior to the adoption of the drainage act?

A. Yes.

Q. They were to be paid all out of the premium of the public improvement fund.

A. Yes, sir; under sections 6 & 10 of article 1890.

Q. The board of liquidators construed the drainage act changing the dedication of that fund to take effect only after the contracts that had been previously made payable out of that fund had been satisfied?

A. That is correct.

Q. Is that fund now being used by the city to pay contracts made before the drainage commissioners' act was passed?

A. Yes.

Q. The original amount of bonds to be issued to pay the drainage commissioners was five millions of dollars?

A. Yes.

Q. And behind that bond issue, and to support the bonds, was this five hundred and eighty thousand dollars received from railroad franchises and one-half of the surplus of the public improvement fund to be received hereafter?

A. Yes.

Q. Now, was that fund thus obtained sufficient for five millions of bonds to acquire financial credit?

80 A. No; I don't think we could have sold the bonds at par if we had issued five millions.

Q. The situation was this, that the law prohibited you from selling the bonds for less than par and accrued interest?

A. Yes.

Q. With the means provided to pay the interest on those bonds they do not command that price?

A. They would not have to command that price if we had contemplated to issue five millions of bonds.

Q. Then what was done by the drainage commissioners?

A. We went before the legislature to have the act amended so as to issue only a million and a half of bonds.

Q. And the bonds were then salable?

A. Yes.

Q. Now, suppose it was established, as a principle, that the surplus which stands behind these bonds could be interfered with, what effect would that have upon the credit and the market position of those bonds?

A. I think it would have a disastrous effect.

Q. You are at the head of a large financial institution in this city?

A. Yes.

Q. Your experience as a financier has been quite extensive?

A. Well, yes.

Q. You are president of the Louisiana national bank?

A. Yes.

Q. Now, coming back to the question Judge Howe asked you, I desire to have it in a little different shape. If effect was given to article 254 of the constitution and the school half of the fund was to remain intact that would throw the whole burden on that portion dedicated to the drainage fund?

A. Yes.

Re-examined by Mr. THEARD:

Q. The converse is equally true if these one hundred and
81 fifteen thousand dollars of bonds were issued and the amount necessary to pay interest on them was charged against the school-board half of the fund, then there would be nothing charged against the half coming to the drainage commissioners?

A. No.

Q. Suppose it was all charged against the school board, then the drainage commissioners would lose nothing at all?

A. Certainly not.

Q. You have told us that this surplus revenue, to be divided between the school board and the drainage commissioners, varies from year to year, and is not a fixed amount?

A. That is correct.

Q. Anything might augment or increase it, such as the amount of the assessment, of stationery bills, attorney's fees, and any charges in your office?

A. Yes.

Q. It is a shifting and varying amount, and not a fixed sum?

A. It is no fixed sum.

Q. What is the surplus this year, can you tell us?

A. I think the whole surplus this year is four hundred and fifty thousand dollars.

Q. One-half of which should come to the drainage commissioners whenever you begin to realize from that fund?

A. Yes; and the other half to the school board.

Q. You say that fund at the present time amounts to four hundred and fifty thousand dollars?

A. Yes; say between the last twelve months.

Q. That is not the only source of revenue of the drainage commissioners?

A. The only two sources of revenue that we have is, first, the franchise money turned over to the commissioners by the city,
82 and any franchise that may be sold hereafter, and one-half of the surplus improvement fund.

Q. You have received from the sale of each franchise the sum of five hundred and eight thousand dollars?

A. About that.

Q. The act says that if any other money should be derived from the sale of street-railroad franchises or for franchises hereafter, then that shall be turned over to the board of drainage commissioners also. That is also a source of revenue, is it not?

A. But it is absolutely uncertain; we have received nothing from it until this day.

Q. Except that five hundred and eighty thousand dollars?

A. Yes.

Q. You have received nothing else, but you might receive a large sum?

A. We might.

Q. So that is also a source of revenue of the drainage commissioners?

A. Yes.

Q. And it is on those two shifting sources of revenue that the bond issue was made and the drainage commissioners has been made, is it not?

A. Yes.

Q. Do you know how many of those bonds have been actually put in circulation?

A. Five hundred.

Q. They were issued and put in circulation at par or above par?

A. Yes.

Q. You said a while ago that you were at the head of a large financial institution in this city, and that any legislation purporting to interfere with the existing sources of revenue of the drainage commissioners would result disastrously to these bonds?

A. Yes.

83 Q. Do you know how much they are quoted on the market?

A. About 103½. I find that on yesterday at the stock exchange 103 was bid and 105 was asked by the holders. That is the quotation today.

Q. That is an advance?

A. Yes.

Q. The bonds have advanced in value?

A. Yes; there is a slight advance over the price at which they were issued.

Q. The city bonds have also advanced?

A. Yes.

Q. Do you know what they bid for on the market?

A. I think 107.

Q. Between 107 and 108?

A. Yes.

Q. Do you know, as president of the board of liquidators of the city debt, of any debts to be retired or any obligations to be met, outside of those that you have mentioned, that have come to maturity at the dates you have mentioned?

A. There is a possibility of others.

Q. I mean debts that you recognize.

A. We never recognize any others.

Q. Do you reject all claims until the court passes upon them?

A. We have no authority to recognize debts.

Q. I was about to ask you whether you have funded recently the unpaid ordinances and unpaid judgments due by the city.

A. On the floating debt, you mean?

Q. Yes.

A. Well, what is your question?

Q. Has the board of liquidators funded lately the unpaid ordinances and unpaid judgments due by the city from 1879 to 1895?

A. The city has issued bonds through the board of liquidators for about two hundred thousand dollars. But if you will allow me to explain, the interest on those bonds is provided for from a different fund entirely.

84

Q. Under article 313 of the constitution?

A. I suppose so.

Q. The subject-matter of article 313 of the constitution never came into court, and the board carried out the mandate of the constitution without any limitation?

A. Yes.

Cross-examined by Mr. MILLER:

Q. The floating-debt matter, covered by article 313 of the constitution, did that involve the issuance at all of the present four per cent. bonds?

A. It did not.

Q. Did it not concentrate the issuance of new bonds entirely?

A. Yes.

Q. It never touched the four per cent. constitutional bonds or the one per cent. tax?

A. No. I will state that if provision had not been made to pay the interest on those bonds the board would have resisted the issuance of it.

Q. Is it not within your knowledge that if the constitutional bonds had not been taken care of the issuance of those bonds would have been resisted by the board?

A. Yes, sir.

Q. The protection of those bonds are provided for under different revenues of the city?

A. Yes, sir.

Q. And with that revenue and those taxes the board of liquidators never had anything to do?

A. Certainly.

Q. So that those bonds will be taken care of out of special funds?

A. Yes; out of a portion of the taxes belonging to each year.

(By Mr. HOWE:)

Q. The proceedings in article 313 of the constitution does not concern the fund concerned in this case?

A. Certainly not.

Q. Now, when you were asked by Mr. Theard about the
85 advance in the four per cent. constitutional bonds and the advance of the drainage bonds, do you think that the advance was in consequence of this suit being brought here by this petitioner?

A. No; they advanced because money was getting easier and it is a good investment.

Q. It is a good investment at five per cent. interest?

A. Yes.

Q. Or at four per cent.?

A. Yes; when the bonds are offered as security.

Counsel for intervenors produces, offers, and files in evidence a plan of drainage adopted by the city of New Orleans in 1895 and by the legislature in 1896, being marked "I A."

Also the resolution of the city council, dated July the 10th, 1895, adopting that plan, marked "I B."

Re-examined by Mr. THEARD:

Q. In regard to this matter of the bonds issued some time ago, special bonds issued to retire the floating debt of the city, under article 313 of the constitution, you stated that the fund created by the act 110 of the General Assembly of 1890 has nothing to do with that. Do you mean that?

A. I mean that as far as we have gone it has absolutely nothing to do with it.

Q. What do you mean when saying, "As far as you have gone"?

A. Simply that the bonds are provided for by a fund separate and distinct from the other.

Q. But does not that article of the constitutjon say that the board of liquidators shall, at any time when it may be necessary, sell a sufficient number of constitutional bonds of the city, now unsold and authorized by act 110 of 1890, to provide for the payment of interest on any bonds?

86 A. Yes; that matter came up before the board, and it was understood that that point would be raised and that we would be compelled to resist it.

Q. But only when that point would be reached?

A. Yes.

Q. But have not the bonds been floated on the pledge made by the article of the constitution?

A. In every case where I have been asked the question I have stated that the back taxes would probably pay the interest on those bonds for four or five years, but after that this other question would arise and the interest on those bonds have to be provided for and could not be met unless the city would pay the interest from year to year.

Q. In other words, as far as you were concerned, you issued these bonds with the clear understanding in your own mind that the latter part of this article of the constitution you would never be in favor of obeying?

A. Not unless the supreme court should order us to do so, but, under the law as it is explained to us, we could not do so.

Q. Have those bonds been sold at or above par?

A. A few of them sold slightly above par. They are considered as good bonds against the city. A provision is not made for the payment of interest on them, otherwise I think the city will provide for the interest, so that these bonds stand as fairly good bonds against the city.

Q. Do you believe that if this security was not behind these bonds that those bonds would demand a hundred cents on the dollar?

A. I merely state that in all cases where I have been asked I made that perfectly plain. I outlined the whole thing before the board before issuing the bonds. I still think that the bonds are fairly good bonds, though I do not think that they have the
87 strength of the four per cent. bonds.

Q. Was not this article 313 of the constitution printed in full on the back of each one of these special bonds?

A. I think it was.

(By Mr. MILLER:)

Q. Will the floating-debt bonds mature before or after the four per cent. bonds?

A. After the four per cent. bonds.

Q. So that there can be no competition between the four per cent. bonds and the constitutional bonds?

A. No.

Q. The constitutional bonds would be out of the way when the floating-debt bonds mature?

A. Yes.

Q. As a practical man, what would you consider the possibility of the city allowing the four per cent. bonds to be bought?

A. I suppose as a matter of fact that the city will provide for the payment of the interest.

Q. You say that article 313 is printed on the back of those floating-debt bonds?

A. Yes.

Q. Floating-debt bondholder gets whatever article 313 of the constitution gives him?

A. Yes.

Q. If article 313 of the constitution cannot be enforced, then the bondholder gets nothing under it?

A. No.

Q. Why was article 313 printed on the back of those bonds?

A. To give notice that the bonds were authorized to be issued under that article of the constitution.

Q. Now, the board of liquidators will have nothing to do in the way of resisting anything on account of the issuance of these bonds until the floating-debt bondholders has something to which they are not entitled to?

A. No.

Q. I believe you decided that it was time enough to deal
88 with that question when it arose?

A. Yes.

Q. And that was the sense of the board?

A. Yes.

(Endorsed:) No. 57806. C. D. C., parish of Orleans. State *ex rel.* Miss L. B. Wilder & others *vs.* The Board of Liquidation of the City Debt. Testimony. Filed December 1, '98. P. J. Fourvillon, d'y clerk. (Stamped.)

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

STATE OF LA. *ex Rel.* MISS L. B. WILDER & AL. *vs.* BOARD OF LIQUIDATION OF CITY DEBT OF N. O.; Board of Drainage Commissioners, Intervenors.	# 57806.	Division "D."

Note of evidence on behalf of defendants and intervenors, taken in open court on the 22d day of ——, 1898, before the Honorable N. H. Rightor, judge.

Present: Arthur McGuirk and Charles J. Theard, for relators; Branch K. Miller, for respondents; W. W. Howe, for intervenors.

Counsel for defendants produces, offers, and files in evidence the exhibit marked "A," annexed to and filed with the answer, being a statement of the Board of Liquidators of the City Debt of New Orleans contained in its official report of July 11th, 1898; which statement is admitted to be correct, the same as if verified by the testimony of the president and secretary by whom it is signed.

It is admitted that the amount necessary to meet the annual interest upon the bonds described in said statement other
89 than constitutional bonds is $13,024 per annum, as set out in the exhibit marked "B," filed with the answer.

Counsel for defendants also produces, offers, and files in evidence the exhibit marked "C," filed with the answer, setting

forth the estimated amount required to carry out the premium-bond plan annually to maturity, this to have the same effect as if verified by the testimony of the secretary by whom it is signed.

1. Counsel for defendants also produces, offers, and files in evidence a statement of unpaid ordinances of the city of New Orleans based upon contracts made by the city payable out of the public improvement fund, entered into prior to the adoption of the act #114 of 1896, the same as though verified by the oath of the comptroller of the city of New Orleans by whom the said statement was prepared.

Also statement of contracts made and entered into by the drainage commissioners and the amount of drainage bonds, to wit, 500, said statement to be taken and considered the same as though verified by the oath of the secretary of the drainage commissioners, by whom said statement was prepared.

It is admitted that there was administered to each and every member of the constitutional convention of 1898 the oath prescribed by act # 52 of 1896.

It is admitted that all the bonds mentioned in the Exhibit "A" annexed to the answer, as well as the premium bonds described in Exhibit "C," amounting to $5,126,780, as well as the unpaid ordinances described in Exhibit "D" and the contract bonds described in Exhibit "E," are all outstanding and unpaid.

It is agreed that all evidence offered by defendants shall be presentable on behalf of intervenors, and all evidence offered on behalf of intervenors may be presentable on behalf of defendants, in so far as either may desire of availing themselves of the benefit thereof.

90 Intervenor produces, offers, and files in evidence the testimony of F. P. Mullen, the representative of the National Contracting Company, in the form of a statement which it is agreed may be received as his testimony, the witness not being able to come to the court, said statement being marked "I 13."

Intervenor produces, offers and files in evidence the testimony of F. G. Freret, secretary and treasurer of the drainage commission of New Orleans, marked "I 4," it being received as the evidence of Mr. Freret as if the same had been given in open court under oath.

It is admitted that Mr. Raymond, the engineer of the drainage commission, if put upon the stand, would corroborate the statement of Mr. Mullen, already offered, in regard to the prospective sale of drainage bonds.

Intervenor also produces, offers and files in evidence a copy of one of the drainage bonds, it being stipulated that this copy may stand in lieu of the original, and represent the balance of the half million of such bonds issued.

It is admitted that the Exhibit "I A" heretofore offered in evidence by intervenor in connection with the testimony of Mr. Walmsley is the drainage plan adopted by the city of New Orleans in 1895, and adopted by resolution of the common council of the city on July 10th, 1896, and mentioned in the act of the legislature No. 114 of 1896, said resolution having already been offered in

evidence by intervenor in connection with the testimony of Mr. Walmsley and marked " I B."

It is agreed that the record in the case of The State *vs.* Flower, decided in June, 1897, may be considered in evidence on behalf of intervenors, to be referred to in the printed reports of the Supreme Court.

91 It is agreed and admitted that the claim of relators herein for the years 1882 and 1884, sued upon herein, were voluntarily assumed by the city of New Orleans under authority of the constitutional amendment of 1892, this assumption being prior to the call for the constitutional convention of 1898, and that under this said assumption the city has made provision for the payment of said claim out of her general revenues from taxes collected by her annually.

3. It is further admitted that the city provided for the said claims for the years 1882 and 1884 only by setting aside each year in each budget such an amount as it found it possible to be devoted to the payment of said claim, the annual instalment being from ten to twenty-five thousand dollars.

The evidence is closed.

(Endorsed:) # 57806. Div. " D." Civil district court, parish of Orleans. State *ex rel.* Miss L. B. Wilder & *al. vs.* Board of Liquidation of City Debt; Bd. of Drainage Com., intervenors. Reported by O. M. Tennison, shorthand reporter. Filed November 17, '98. W. H'ry Allen. (Stamped.)

Note of Evidence (Additional) for Intervenors.

Filed November 22, 1898.

Civil District Court, Parish of Orleans.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

Additional notes of evidence for intervenor.

Intervenor offers, introduces, and files as of Nov. 22, 1898, and by consent of all parties:

92 1. Three ordinances of the city council of N. O. as follows, marked as follows: " I 5," " I 6," " I 7."

2. Certified copies reports of The Drainage Commission, intervenor, to the mayor & council, as follows, with proceedings of council thereon, marked " I 8," " I 9," " I 10," " I 11."

Ordinance No. 14477, council series, directing the comptroller to issue certificates of indebtedness to the school teachers, by & with the approval of the joint committee on schools & finance, for claims due them for the month of December, 1881, & for the years 1882, 1883, 1884, for unpaid salaries.

Filed November 22, 1898.

Offered in evidence by counsel for relator-.

Ordinances.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *Aug.* 1, 1898.

Calendar No. 981.

No. 14477, council series.

Be it ordained by the council of the city of New Orleans that the comptroller be and he is hereby directed, by and with the approval of the joint committee on schools and finance, to issue to the owners of claims against the school board of the parish of Orleans, for the month of December, 1881, and for the years 1882, 1883, 1884, for unpaid salaries of school teachers and portresses, and other legitimate claims against said school board, now in the hands of the original owners who have in nowise parted with their rights of ownership, or pledged the same, certificates of indebtedness, stating the names of the persons to whom the same shall be issued, the fact that such persons have in nowise parted with their rights of ownership or pledged the same, and the amounts to be paid.
93 Such certificates shall be countersigned by the mayor; provided, that nothing in this ordinance shall be construed as prejudicing the rights of the owners for their claims for the years of 1885, 1886 and 1887.

Adopted by the council of the city of New Orleans July 5th, 1898.

W. R. BRASHEAR,
Clerk of Council.

The veto of the mayor to the contrary notwithstanding.
Adopted by the council of the city of New Orleans July 26th, 1898.

W. R. BRASHEAR,
Clerk of Council.

A true copy.
W. R. BRASHEAR,
Clerk of Council.

Ordinance No. 14591, council series, directing the comptroller to issue certificates of indebtedness to the school teachers for claims due them for the years 1882, 1883, 1884 for unpaid salaries (said claims having been approved by the committees on finance & public schools) in the sum of $115,458.33.

Filed November 22, 1898.

Offered in evidence by counsel for relator.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *September* 12, 1898.

Calendar No. 1174.

No. 14591, council series.

Whereas, by ordinance No. 14477, C. S., adopted July 26th, 1898, the city of New Orleans has assumed payment of the obligations of the board of directors of the public schools, for the unpaid salaries of school teachers and portresses, and other legitimate claims against said board, for the years 1882, 1883 and 1884, and has ordered the issuance of certificates therefor, in accordance with articles 315, 316 and 317 of the constitution of 1898, and

94 Whereas, the said claims have been duly presented within the time prescribed by law, and have been examined and approved by the committees on finance and public schools, of this council, as appears from their detailed statement annexed hereto and made part hereof.

Be it ordained, by the council of the city of New Orleans, That the comptroller be, and he is hereby directed to issue to the owners of claims against the school board for the parish of Orleans, whose names appear upon the statement hereto annexed and made part hereof, which is marked "A," of date August 29, 1898; and signed W. R. Brashear, clerk of council (or to their lawful representatives), certificates of indebtedness (which shall be countersigned by the mayor), for the amounts specified in said statement, as being individually due to each of said claimants, the total amount of all said certificates herein authorized being one hundred and fifteen thousand, four hundred and fifty-eight and $\frac{33}{100}$ dollars ($115,458.33).

Which sum of $115,458.33 is hereby assumed by the city of New Orleans under article 315 of the constitution of 1898.

Be it further ordained, etc., That before any such certificate is issued to any claimant, such claimant shall satisfy the comptroller that he or she is the person named in said certificate and said statement; that he or she was an employee of the school board of the parish of Orleans during the year or years named in said certificate; that he or she has in nowise parted with his or her rights or ownership in, or pledged, said claim.

Adopted by the council of the city of New Orleans, September 6th, 1898.

W. R. BRASHEAR,
Clerk of Council.

Approved September 12, 1898.

A. BRITTIN,
Act'g Mayor.

A true copy.
R. L. TULLIS,
Secretary to the Mayor.

95 Ordinance No. 14675, council series, amending ordinance No. 14591 by striking out the words & figures $115,458.33 & inserting the words & figures $115,558.33.

Filed November 22, 1898.

Offered in evidence by counsel for relator.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *October* 5, 1898.

Calendar No. 1296.

No. 14675, council series.

An ordinance amending and re-enacting ord. 14591, C. S., being an ordinance directing the comptroller to issue certificates of indebtedness to the school teachers for claims due them for the years 1882, 1883, and 1884.

Be it ordained, That ord. 14591, C. S., be and the same is amended as follows: "In lines 39 and 40, strike out the words, one hundred and fifteen thousand, four hundred and fifty-eight and $\frac{33}{100}$ dollars, and the figures ($115,458.33), and insert in lieu thereof the words one hundred and fifteen thousand, five hundred and fifty-eight and $\frac{33}{100}$ dollars, and the figures $115,558.33. In line 41 strike out the figures $115.458.33 and insert in lieu thereof the figures $115,558.33," and be it further ordained that ord. 14591 as so amended be and the same is hereby re-enacted.

Adopted by the council of the city of New Orleans, October 4th, 1898.

W. R. BRASHEAR,
Clerk of Council.

Approved October 5, 1898.

W. C. FLOWER, *Mayor.*

A true copy.
R. L. TULLIS,
Secretary to the Mayor.

96 *Certificates of Indebtedness for Unpaid Salaries in Favor of Miss L. B. Wilder & Others (25 in Number).*

All filed November 22nd, 1898.

Offered in evidence by counsel for relator.

No. 2. *Certificate of Indebtedness.* $718.53.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto J. V. Calhoun in the sum of seven hundred eighteen and $\frac{53}{100}$ dollars for unpaid salary as teacher, Academic, No. 1, for the years 1882, $131.65; 1883, $363.00; 1884, $223.85.

That the said J. V. Calhoun has declared and sworn that he has in nowise parted with his rights of ownership or pledged said claim, and that the said *Mrs. J. R. Dicks* is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 3. *Certificate of Indebtedness.* $585.08.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto D. H. Buckley in the sum of five hundred eighty-five and $\frac{8}{100}$ dollars for unpaid salary as teacher, Academic, No. 1, for the years of 1882, $105.08; 1883, $288.00; 1884, $192.00.

That the said D. H. Buckley has declared and sworn that
97 he has in nowise parted with his rights of ownership or pledged said claim, and that the said D. H. Buckley is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 4. *Certificate of Indebtedness.* $392.79.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto T. W. Dyer in the sum of three hundred ninety-two $\frac{79}{100}$ dollars for unpaid salary as teacher, Academic, No. 1, for the years of 1882, $104.79; 1883, $288.00.

That the said T. W. Dyer had declared and sworn that he — is nowise parted with his rights of ownership or pledged said claim, and that the said T. W. Dyer is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 5. *Certificate of Indebtedness.* $750.95.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

98 This is to certify that the City of New Orleans is indebted unto Mrs. Mary Stamps in the sum of seven hundred fifty and $\frac{95}{100}$ dollars for unpaid salary as teacher, Academic, No. 2, for the years of 1882, $136.80; 1883, $375.00; 1884, $239.15.

That the said Mrs. Mary Stamps has declared and sworn that she in nowise parted with her rights of ownership or pledged said claim, and that the said Mrs. Mary Stamps is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 216, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 32. *Certificate of Indebtedness.* $211.46.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Mrs. E. C. Hunter in the sum of two hundred eleven and $\frac{46}{100}$ dol-

lars for unpaid salary as teacher. Paulding, for the years 1882, $38.21; 1883, $105.00; 1884, $68.25.

That the said Mrs. E. C. Hunter has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Mrs. E. C. Hunter is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

99 No. 48. *Certificate of Indebtedness.* $272.30.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Sallie Harris in the sum of two hundred seventy-two and $\frac{30}{100}$ dollars for unpaid salary as teacher, Webster, for the years of 1882, $49.25; 1883, $135.00; 1884, $88.05.

That the said Miss Sallis Harris has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Sallie Harris is entitled to the payment of this claim *and* by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 136. *Certificate of Indebtedness.* $173.25.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Rosa Carolan in the sum of one hundred seventy-three and $\frac{25}{100}$ dollars for unpaid salary as teacher, Bayou road, for the years 1883, $105.00; 1884, $68.25.

That the said Miss Rosa Carolan has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Rosa Carolan is entitled to the payment of this claim by virtue of the recognition thereof by the coun-

cil of the city of New Orleans under ordinance 14477, C. S.,
100 adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 137. *Certificate of Indebtedness.* $398.54.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Mrs. Palmyre Cartier in the sum of three hundred ninety-eight and $\frac{54}{100}$ dollars for unpaid salary as teacher, Claiborne, for the years of 1882, $71.84; 1883, $198.00; 1884, $128.70.

That the said Mrs. Palmyre Cartier has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Mrs. Palmyre Cartier is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 141. *Certificate of Indebtedness.* $211.55.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Gretta Donovan in the sum of two hundred eleven and $\frac{55}{100}$ dollars for unpaid salary as teacher, Claiborne, for the years of 1882, $38.30; 1883, $105.00; 1884, $68.25.

101 That the said Miss Gretta Donovan has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Gretta Donovan is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 160. *Certificate of Indebtedness.* $213.21.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Sallie Boyce in the sum of two hundred thirteen and $\frac{21}{100}$ dollars for unpaid salary as teacher, St. Philip, for the years 1882, $38.21; 1883, $105.00; 1884, $70.00.

That the said Miss Sallie Boyce has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Sallie Boyce is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 167. *Certificate of Indebtedness.* $395.01.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

102 NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Mrs. D. R. Miller in the sum of three hundred ninety-five and $\frac{1}{100}$ dollars for unpaid salary as teacher, Barracks, or No. 15, for the years of 1882, $76.41; 1883, $216.00; 1884, $102.60.

That the said Mrs. D. R. Miller has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Mrs. D. R. Miller is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 241. *Certificate of Indebtedness.* $438.81.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss L. B. Wilder in the sum of four hundred thirty-eight and $\frac{81}{100}$

dollars for unpaid salary as teacher, Washington, for the years of 1882, $78.81; 1883, $216.00; 1884, $144.00.

That the said Miss L. B. Wilder has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss L. B. Wilder is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

103 No. 242. *Certificate of Indebtedness.* $329.07.

Payable only to the original owner who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Annie Sheean in the sum of four hundred twenty-nine $\frac{7}{100}$ dollars for unpaid salary as teacher, Washington, for the years 1882, $59.07; 1883, $162.00; 1884, $108.00.

That the said Miss Annie Sheean has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Annie Sheean is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 243. *Certificate of Indebtedness.* $291.27.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Emma Prados in the sum of two hundred ninety-one and $\frac{27}{100}$ dollars for unpaid salary as teacher, Washington, for the years 1882, $59.07; 1883, $162.00; 1884, $70.20.

That the said Miss Emma Prados has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Emma Prados is entitled to the payment of this claim by virtue of the recognition thereof by the

council of the city of New Orleans under ordinance 14477'
104 C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 280. *Certificate of Indebtedness.* $548.05.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto M. M. Lowe in the sum of five hundred forty-eight and $\frac{5}{100}$ dollars for unpaid salary as teacher, Laurel, for the years of 1882, $93.05; 1883, $255.00; 1884, $200.00.

That the said M. M. Lowe has declared and sworn that he has in nowise parted with his rights of ownership or pledged said claim, and that the said M. M. Lowe is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 298. *Certificate of Indebtedness.* $548.05.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Louis Leche in the sum of five hundred forty-eight and $\frac{5}{100}$ dollars for unpaid salary as teacher, M'Donogh, No. 8, for the years 1882, $93.05; 1883, $255.00; 1884, $200.00.

105 That the said Louis Leche has declared and sworn that he has in nowise parted with his rights of ownership or pledged said claim, and that the said Louis Leche is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 300. *Certificate of Indebtedness.* $317.96.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Nettie Parr in the sum of three hundred seventeen and $\frac{96}{100}$ dollars for unpaid salary as teacher, M'Donogh, No. 8, for the years of 1882, $58.76; 1883, $162.00; 1884, $97.20.

That the said Miss Nettie Parr has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Nettie Parr is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 308. *Certificate of Indebtedness.* $438.81.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

106 NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss M. A. Wickes in the sum of four hundred thirty-eight and $\frac{81}{100}$ dollars for unpaid salary as teacher, Live Oak, for the years of 1882, $78.81; 1883, $216.00; 1884, $144.00.

That the said Miss M. A. Wickes has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss M. A. Wickes is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 327. *Certificate of Indebtedness.* $213.30.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss Anna B. Cooke in the sum of two hundred thirteen and $\frac{30}{100}$

dollars for unpaid salary as teacher, Magnolia, for the years 1882, $38.30; 1883, $105.00; 1884, $70.00.

That the said Miss Anna Cooke has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Anna B. Cooke is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

107 No. 338. *Certificate of Indebtedness.* $438.35.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Mrs. C. S. Reese in the sum of four hundred thirty-eight and $\frac{35}{100}$ dollars for unpaid salary as teacher, Keller (M'D., No. 20), for the years of 1882, $78.35; 1883, $216.00; 1884, $144.00.

That the said Mrs. C. S. Reese has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Mrs. C. S. Reese is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 339. *Certificate of Indebtedness.* $325.47.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss L. C. Whitaker in the sum of three hundred twenty-five and $\frac{47}{100}$ dollars for unpaid salary as teacher, Keller (M'D., No. 20), for the years of 1882, $55.47; 1883, $162.00; 1884, 108.00.

That the said Miss L. C. Whitaker has declared and sworn that she in nowise parted with her rights of ownership or pledged said claim, and that the said Miss L. C. Whitaker is entitled to
108 the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance —,

C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 342. *Certificate of Indebtedness.* $270.35.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Miss A. L. Beecher in the sum of two hundred seventy and $\frac{35}{100}$ dollars for unpaid salary as teacher, Keller (M'D. No. 20), for the years of 1882, $47 60; 1883, $135.00; 1884, $87.75.

That the said Miss A. L. Beecher has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss A. L. Beecher is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 346. *Certificate of Indebtedness.* $211.55.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted
109 unto Miss Elise Hunter in the sum of two hundred eleven and $\frac{55}{100}$ dollars for unpaid salary as teacher, Keller (M'D., No. 20), for the years 1882, $38.30; 1883, $105.00; 1884, $68.25.

That the said Miss Elise Hunter has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Miss Elise Hunter is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

No. 371. *Certificate of Indebtedness.* $326.37.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Mrs. A. E. Chase in the sum of three hundred twenty-six and $\frac{37}{100}$ dollars for unpaid salary as teacher, M'Donogh, No. 4, girls, for the years of 1882, $59.07; 1883, $162.00; 1884, 105.30.

That the said Mrs. A. E. Chase has declared and sworn that she has in nowise parted with her rights of ownership or pledged said claim, and that the said Mrs. A. E. Chase is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

110 No. 421. *Certificate of Indebtedness.* $402.23.

Payable only to the original owner, who has in nowise parted with his or her rights of ownership or pledged the same.

NEW ORLEANS, *Oct. 7th*, 1898.

This is to certify that the City of New Orleans is indebted unto Mrs. J. R. Dicks in the sum of four hundred two and $\frac{23}{100}$ dollars for unpaid salary as teacher, Short street, for the years 1882, $72.23; 1883, $198.00; 1884, $132.00.

That the said Mrs. J. R. Dicks has declared and sworn that she has in nowise parted with her right of ownership or pledged said claim, and that the said Mrs. J. R. Dicks is entitled to the payment of this claim by virtue of the recognition thereof by the council of the city of New Orleans under ordinance 14477, C. S., adopted July 26th, 1898, and in conformity with articles 315, 316, and 317 of the constitution of 1898.

(Signed) W. S. DOUGLAS,
Comptroller.

(Signed) A. BRITTIN,
Act'g Mayor.

Testimony of F. P. Mullan, Representative of the National Contracting Company, in the Form of a Statement, Marked "1 3."

Filed November 22, 1898.

Offered in evidence by counsel for intervenors.

Testimony of F. P. Mullan.

Civil District Court, D.

111 STATE *ex Rel.*, ETC., *vs.* BOARD OF LIQUIDATION, ETC. } No. 57806.

It is agreed that in the absence of Mr. F. P. Mullan, witness for intervenor, The Drainage Commission of New Orleans, the following is what he would state as a witness, and that it may be offered and received as such:

"I represent the National Contracting Company on its contract with the Drainage Commission of N. O. of Aug. 9, 1897. At the time we made our bids and took our contract it was understood that the cash assets of the commission derived from section 3 of act 114 of 1896 would be only about $580,000, and that in order to meet the payments to us the drainage commission would issue and sell its bonds under the act of 1896."

Testimony of F. G. Freret, Secretary and Treasurer of the Drainage Commission of New Orleans, Marked "1 4."

Filed November 22, 1898.

Offered in evidence by counsel for intervenors.

Testimony of F. G. Freret, secretary and treasurer of Drainage Comm. of N. O.

The following is a statement of bonds prepared, engraved, and provided under act No. 114 of 1896 by the Drainage Commission of New Orleans and of bonds advertised, sold, and now outstanding:

112 There were prepared, engraved, and provided of the bonds above mentioned by January, 1898..... ..... $1,500,000

These bonds are of $1,000 each, bearing date Nov. 1, 1897, having forty years to run, and bearing interest at the rate of 5 per cent. per annum, payable semi-annually, May and November, and having interest coupons attached.

Of these bonds there were advertised and sold on the 21st of June, 1898, 500 bonds.	500,000
The premium realized was	5,238
Making the amount realized	$505,238.00

These bonds were delivered to the purchasers on the 29th and 30th of June, 1898, the purchasers paying for them the said amount of $505,238.00, and are now outstanding.

Contracts were entered into by the drainage commission before May 12th, 1898, with—

E. F. Grasser, May 19th, 1897	$46,140.70
National Contracting Co., Aug. 9th, 1897	1,768,428.00
Tulane university, Decem., 1897	2,500.00
J. J. Keegan, Ap'l 2nd, 1898	7,341.98
F. B. Camors, Ap'l 22nd, 1898	10,054.67
	$1,834,465.35

On the above contracts there had been paid on May 12th, '98, as follows:

National Contracting Co.	$269,165.67	
E. A. Grasser	44,240.70	
J. J. Keegan	4,147.68	
		$317,552.05

113 On the above contracts there has been paid between May 12 and Nov. 14 as follows:

National Contracting Co.	$465,137.04	
E. A. Grasser	600.00	
J. J. Keegan	3,194.30	
F. B. Camors	10,054.67	
		479,811.01
Total payments on the above contracts		797,363.06
Amount unpaid on above contracts		$1,037,102.29

Foregoing contracts were all for work in connection with the drainage act of 1896, and are expected to be completed by Aug., 1899.

During the time that the contracts were advertised from March to June, 1897, it was matter of public knowledge that the Drainage Commission of New Orleans would be obliged to sell bonds under act 114 of 1896 in order to meet the payments under the said contracts, and would sell the same for such purpose.

Some of the proposed bidders were specially notified in reply to enquiries. The matter was repeatedly discussed at meetings of the commission which were public and at which bidders were present.

There was no concealment that the cash funds of the commission were only a small part of what would be needed to meet the proposed contracts. In May, 1897, the question was discussed of calling for alternative bids in one-third cash and two-thirds bonds, but it was concluded it would be more regular to sell the bonds and pay all cash.

The cash received by the drainage commission from its beginning from the sources named in section 3 of act 114 of 1896 to the present time amounts to $579,582.12. This, I understand, to be from railroad franchises. Nothing has yet been received from the operations of act 110 of 1890.

114 Drainage bond (copy) to stand in lieu of the original & represent the balance of the half million of such bonds issued, marked "1 5."

Filed November 22, 1898.

Offered in evidence by counsel for intervenor.

Copy of bond of the Drainage Commission of New Orleans offered, introduced, and filed by intervenor, it being agreed that it shall be received as a sample of the issue of $500,000 mentioned in the testimony.

$1,000. $1,000.

The Drainage Commission of New Orleans, La.

For value received the Drainage Commission of New Orleans, Louisiana, a board organized by and under act No. 114 of the General Assembly of the State of Louisiana, approved July 9th, 1896, acknowledges itself indebted to and promises to pay to bearer one thousand dollars in lawful money of the United States of America on the first day of November, 1937, with interest at the rate of five per cent. per annum, payable in like lawful money on the first days of November and May in each year, upon presentation and surrender of the annexed coupons as they severally become due until said principal sum shall be paid, the principal and interest being payable at the Louisiana national bank, in the city of New Orleans. This bond is one of an issue authorized by the said act No. 114 of 1896, the said issue not to exceed five million dollars in total amount, and all money and funds dedicated and applied by the said act to the purposes thereof are consecrated to the payment of the principal and interest of all of said bonds, and they are payable from said moneys and funds as well as any other funds provided for the purpose, and the said drainage commission after the year 1920 shall have the right to call in by lot not exceeding two hundred thousand dollars of said bonds in July of each year, in accordance with the provisions of the said sixth section of the said act No. 114 of 1896.

In witness whereof said Drainage Commission of New Orleans

has caused these presents to be executed in compliance
[L. S.] with said statute by its president and secretary the first day of November, A. D. 1897.

R. M. WALMSLEY, *President.*

(Signed) FREDERICK G. FRERET, *Secretary.*

115 The following is stamped across the face of the bond:

"It is further stipulated by and between the drainage commission and the holder of this bond, and the said holder assents to the said stipulation, that the said Drainage Commission of New Orleans, or any other corporation authorized by the General Assembly of the State of Louisiana, is authorized to pay and take up this bond at par and accrued interest, after thirty days' notice in one or more newspapers published at New Orleans, at any time after the first day of November, 1899.

"This bond is issued subject, also, to the amendments of act No. 114 of 1896, now pending before the General Assembly of Louisiana of 1898."

The bond has eighty coupons attached, of twenty-five dollars each, two of which have been cut off, being those of May and November, 1898.

Ordinance No. 12656, council series, to transfer the proceeds of the franchise of the New Orleans City and Lake Railroad Company to the Board of Drainage Commissioners, marked "15."

Filed November 22nd, 1898.

Offered in evidence by counsel for interveners.

MAYORALITY OF NEW ORLEANS.
CITY HALL, *September 3d*, 1896.

No. 12656, council series.

An ordinance to transfer the proceeds of the franchise of the New Orleans City and Lake Railroad Company to the Board of Drainage Commissioners for this parish.

SECTION 1. Be it resolved, &c., That the net balance after payment for auxiliary pumps of the sale of the franchise of the N. O. City & Lake R. R. Company be and the same is hereby transferred to the Board of Drainage Commissioners for the parish of Orleans, and the comptroller is hereby directed to warrant on the treasurer for same in favor of said board and the treasurer is hereby directed to pay same.

116 SECTION 2. Be it further resolved, etc., etc., That this ordinance shall take effect from and after its passage.

Adopted by the council of the city of New Orleans September 1st, 1896.

W. R. BRASHEAR,
Clerk of Council.

Approved September 3rd, 1896.

A. BRITTIN,
Act'g Mayor.

A true copy.
T. H. THORPE,
Secretary to the Mayor.

Ordinance No. 13502, council series, transferring the drainage plant known as the Bienville pumping station to the drainage commission, marked "1 6."

Filed November 22, 1898.

Offered in evidence by counsel for interveners.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *July* 14, 1897.

No. 13502, council series.

Be it ordained by the council that the drainage plant knows as the Bienville pumping station, Dublin, Orleans, and auxiliary pump at Melpomene station, be, and the same is hereby, transferred to the drainage commission, to be operated by it in accordance with the provisions of act 114 of the General Assembly of 1896, and the commissioner of public works is hereby authorized and instructed to deliver the said pumps into the custody of said Board of Drainage Commissioners.

Adopted by the council of the city of New Orleans July 13, 1897.

W. R. BRASHEAR,
Clerk of Council.

Approved July 14, 1897.

A. BRITTIN,
Act'g Mayor.

A true copy.
T. H. THORPE,
Secretary to the Mayor.

117 Ordinance No. 13730, council series, transferring the drainage pump known as the Algiers pump to the drainage commission, marked "1 7."

Filed November 22, 1898.

Offered in evidence by counsel for interveners.

MAYORALITY OF NEW ORLEANS,
CITY HALL, *November 3rd*, 1897.

No. 13730, council series.

Be it ordained by the council that the drainage pump known as the Algiers pump be and the same is hereby transferred to the drainage commission to be operated by it in accordance with the

provisions of act No. 114, of the General Assembly of 1896, and the commissioner of public works is hereby authorized and instructed to deliver the said pump into the custody of said Board of Drainage Commissioners.

Adopted by the council of the city of New Orleans November 2, 1897.

W. R. BRASHEAR,
Clerk of Council.

Approved November 3rd, 1897.

W. C. FLOWER, *Mayor.*

A true copy.
R. L. TULLIS,
Secretary to the Mayor.

Report of the Drainage Commission of New Orleans to the Mayor and Council of New Orleans Dated July 2nd, 1897, Marked "1 8."

Filed November 22, 1898.

Offered in evidence by counsel for interveners.

R. M. Walmsley, President. B. M. Harrod, Chief engineer. F. G. Freret, Secretary.

The Drainage Commission of New Orleans, 20, 21, city hall.
(Signed) W. R. B.

NEW ORLEANS, LA., *July 2nd*, 1897.

To the mayor and council of New Orleans.

118 GENTLEMEN: Under the provisions of act 114 of the session of 1896 the legislature made it the duty of the drainage commission to render, semi-annually, after January, 1897, to your honorable body, a full and detailed report of all sums received and sums expended and the purposes for which said expenditures were made and a statement of the progress and character of the work contracted for and performed during the previous six months.

The work undertaken, with E. A. Grasser as the contractor, up to the present time consists of a canal of an average width of sixty feet and a depth of thirteen feet, parallel to Seventeenth *st* Palmetto street, beginning at the east side of Carrollton avenue at a point where that avenue is approached by the present Melpomene outfall and extending to the intersection of Seventeenth street and North Line street, and thence to the Upper Protection Levee canal.

Besides this canal, which will for the present act as the tail-race or outfall of the Melpomene draining machine, and eventually serve as a recipient for the collection of storm water to be lifted up by the No. 6 pumping station, the contractor is required to construct the necessary bridge over the canal at the crossing of Carrollton Avenue road to close the gap in the bank of the New Basin canal, known as the Louques cut, and to construct roadways on the banks of the Seventeenth Street canal, besides providing for the

present egress of the water collected within the area bounded by Dublin Avenue canal, the Upper Protection levee, and the shell road of the New Basin canal. This present contract is a modification of one made with the same contractor on January 18th, but which the drainage commission, acting under the advice of Mr. B. M. Harrod, their chief engineer, deemed best to change on account of the advantage made manifest by his explanations.

The work on the canal was begun by the steam dredge employed by the contractor on the 14th day of June, the delay having been caused by the litigation made necessary by the owners of the property traversed by the canal.

Suits for expropriation have been *prought* against parties owning land on the line of the proposed work, and amicable transfers
119 of property have been arranged with the owners of the remaining property, thus securing a free passage from the Carrollton Avenue to the Upper Protection Levee canal.

The commission has caused its engineer to prepare the necessary specifications and such other data of information as are necessary to enable parties wishing to bid for the erecting of the Central electric power station and the three pumping stations, numbers, 6, 2, and 7, located as shown on map No. 4 of the report of the advisory committee, and for some of the canals and culverts necessary to the successful operation of these pumping machines, and has advertised in newspapers in this city and in others in New York and Chicago inviting proposals for the construction of this portion of the plan of drainage as adopted by your body on July 10th, 1895, ordinance No. 10991, intending that the bids should be opened on June 1st. Owing, however, to the suit brought by the attorney general to test the validity of act No. 114, a postponement has been twice made, until now, the bids are to be opened on July 8th, the supreme court having affirmed the constitutionality of the law creating the drainage commission.

The funds received by the drainage commission consist of $579,582.12, which was the amount transferred by the comptroller of the city on November 13th, 1896, to the custody of the commission.

Since that date there has been expended $20,463.28, as shown by the following statement, which is submitted as a part of this report.

(Signed) W. R. B.

Memorandum of Cash Statement from November 13th, 1896, to Dec.

Received from the comptroller Nov 13, '96.....	$579,582.2
Paid engineering department expenses.....	$12,265.2
Paid Melpomene outfall.....	6,053.3
Paid advertising.....	460.4
Paid furnishing.....	319.2
Paid consulting engineers.....	300.0
Paid printing.....	196.6
Paid test case The State of La. *v.* W. C. Flower *et als*...	109.3
Paid city of New Orleans....	100.0
Paid office expenses.....	658.7
	$820,463.2

120

A true copy of the original.
(Signed) CHAS. J. TARRAT.

CLERK'S OFFICE, CITY HALL, N. O., *Dec'r* 1, 1898.

I certify the foregoing typewritten pages, marked 1, 2, 3, and 4 W. R. B., to be a correct transcript from the records of this office filed by the drainage commission on July 26th, 1897.

(Signed) WALTER R. BRASHEAR,
Clerk of Council.

121 Official proceedings of the city council of date July 13, 189 showing that the report of the drainage commission was read and filed, marked "1 9."

Filed November 22, 1898.

Offered in evidence by counsel for interveners.

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL.

Regular Session.

COUNCIL CHAMBER, CITY HALL,
New Orleans, July 13th, 1897.

The Council met this day at 7:30 o'clock p. m., in regular session with the Hon. A. Brittin, President, in the chair. On calling the roll the following members answered to their names:

Present—Anderson, Brittin, Brophy, Claiborne, Cucullu, Elke, Guillaud, Heilmann, Kohnke, Leahy, Lochte, Marmouget, Moran, Naef, Pedersen, Sherrouse, Story—17.

Absent—Clark, Cooney, Crimen, Dreyfous, Herberger, Hirsch, Holderith, Lafaye, Meader, Muir, Pfister, Ricks, Tosso—13.

Seventeen members and a quorum present.

On motion of Mr. Leahy the reading of the minutes of date July 6th, 1897, were dispensed with and approved as printed.

All absentees except Messrs. Clark, Cooney Hirsch and Ricks entered as below.

COMMUNICATIONS.

From the Mayor—
Mayoralty of New Orleans,
City Hall, July 13, 1897.

To the Members of the City Council:

I herewith submit for your consideration and action thereon the following:

1. Treasurer's report showing balance on hand for week ending July 12th, 1897.

Referred to Committee No. 2.

2. Communication from Commissioner of Police and Public Buildings relative to the workings of his department for the month of June.

3. Communication from Commissioner of Police and Public Buildings showing number of prisoners sent out daily to perform work on public buildings, etc., from July 6th, to July 12th, inc.

Referred to Committee No. 6.

4. Communication from Board of Health relative to the ordinance on the subject of blowing meat.

Referred to Committee No. 4.

5. Communication from General T. M. Miller relative to condition of plank sidewalk on Octavia street running from St. Charles avenue.

...ed to Committee No. 8.

...cation from City Engi... called guides and ...idors of the ...

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...dation, ...
of the board.

Referred to Commit...

8. Communication from Co... er of Public Improvements relative the working of his department.

Referred to Committee No. 8.

A. BRITTIN,
Acting Mayor

Received.

Messrs. Crimen, Herberger, Muir and Tosso here entered.

From the Treasurer—

Balance July 3rd, 1897..	$177,892 17
Receipts since..	94,035 02
	$271,.927 19
Less payments	66,698 65
Balance on hand July 10, 1897.	$205,228 54

Referred to Committee No. 2.

From the Treasurer ...

From A. Downey—Contractor ... for extension of time for the ... tion of the Laurel School.

Referred to Committee No. 2.

From the City Attorney re... the Canal and Claiborne Railro... pany running their Girod and ... avenue cars on time.

Referred to Committee No. 8.

From the School Board rel... closets and heating of public s...

Referred to Committee No. 5.

From the Commissioner of ... Works relative to cleaning N... avenue.

Referred to Committee No. 8.

COMMITTEE REPORTS

Report of Committee No. 2—C... tee on Finance.

New Orleans, July 13th...

To the President and Members ... City Council:

Gentlemen—Your Committee ... respectfully report as follows:

1. Favorably on ordinance re... ordinance No. 12,836 and re-enac... ordinance No. 12,409, C. S., provi... payment of R. F. Keplinger fo... done on Horticultural Hall.

2. Favorably on ordinance co... ing bills or various departments.

3. Favorably on ordinance ... Lochte amending ordinance N... C. S.

4. Favorably with amendment ... dinance by Mr. Guillaud trans... $250.00 to Department of Polic... Public Buildings for payment of ... Electric Company for lighting ... Court building.

5. Favorably with amendment ... dinance by Mr. Brittin transferr... Bienville pumping station to co... Drainage Commission.

6. Favorable by ordinance o... tions of Fred Kleinschmidt, Jas. ... and Schneider Bros. for remis... fines.

7. Communication from Hon. ... Moise with report o Grand Jur... tive to confinement of minors, ... Parish Prison, referred to Prison ... mittee.

8. Report of Drainage Comm... read and filed.

9. Report of Commissioner of ... Works as to the condition of ... of Dublin avenue Drainage Mach... ceived and filed.

10. Relative to the Communi... from the Comptroller regarding ... ance on school buildings owned ... city we would recommend tha... Comptroller be instructed not ... sure any buildings owned by th... and used for public school purp... ... respectfully,

A. BRITTI...
Finance Commit...

...
To the President ...
City Council:

Gentlemen—Your committee ... leave to report as follows:

1. Favorably as amended on ... nance by Mr. Claiborne relative to ... tain restrictions on posting up sig... furnished rooms.

2. Favorably on ordinance by ... Herberger, by request, granting ... mission to J. Weis to operate a ... room corner First and Mag... streets.

Recommitted.

3. Favorably on ordinance by ... Herberger, by request, granting ... mission to Mrs. Laura Troisgr... operate a barroom corner Third ...

124 Report of the drainage commission of New Orleans to the mayor and council of New Orleans, dated July 22, 1898, with financial statement annexed thereto, marked "1 10."

Filed November 22, 1898.

Offered in evidence by counsel for intervener.

R. M. Walmsley, President. B. M. Harrod, Chief engineer. F. G. Freret, Secretary.

The drainage commission of New Orleans, 20, 21 city hall.

(1) W. R. B.

NEW ORLEANS, LOUISIANA, *July 22nd*, 1898.

To the mayor and city council, city.

GENTLEMEN: The drainage commission in this report recapitulates the several contracts into which it has entered since the inception of the work and the progress made on each to June 30th, 1898. A financial statement, covering the same work and time, is appended.

1st. E. A. Grasser, contractor.—Melpomene outfall canal, on Seventeenth street from Carrollton avenue to the Upper Protection canal, May 19th, 1897, 20c. per cubic yard, with 25c. extra for removal, aggregating $53,000.00.

2nd. National Contracting Company, contractor.—Central power station, pumping stations St. Louis No. 2, Metairie No. 6, and Orleans No. 7, with tributary canals, including lined and covered canals on St. Louis, Galvez, Claiborne, and Basin streets, August 9th, 1897. Rates were per unit of material, aggregating approximately $1,588,129.00.

3rd. J. H. Camors, contractor.—Jourdan Avenue canal from St. Claud street to Florida w*lak*, April 22nd, 1898, 24½c. *cubic feet* per — yard of excavation, aggregating $10,054.67.

4th. J. J. Keegan, contractor.—Cleaning Galvez, Broad, Poydras, and Lapeyrouse canals, April 22nd, 1898, 21.7c. per cubic yard of excavation, aggregating $7,341.98. In addition, *to* the sum of $3,526.80 was paid to the board of health for the supply and distribution of disinfectants.

(") W. R. B.

125 5th. National Contracting Company, contractor.—Extention of contract No. 2 to include the lined and covered canals in the Canal and Julia Street system, June 16th, 1898. The same terms, aggregating approximately $180,299.00.

All these works, excepting the 4th with J. J. Keegan, which was undertak*ing* under the celicitation of the board of health, form part of the plan adopted by the council and legislature respectively on July 10th, 1895, and July 9th, 1896.

The drainage commission at the request of the city council has also assumed care of the repairs of the existing drainage machines,

which are now in more efficient condition than they have been for years. The cost of these repairs aggregate- $2,989.27.

Under these several contracts the progress made has been as follows:

1st. Melpomene outfall canal, E. A. Grasser.—This work is entirely complete except the closing of the Louque cut, which will be done upon the completion of the Metarie pumping station No. 6. For this purpose the sum of $1,600 00 is withheld from final payment.

2nd. The Central power station, with three pumping stations and tributary canals lined and unlined.

The Central station is nearly slated and the engine beds erected. The boilers are set up complete, and the brick-setting is being built. A considerable part of both steam and electric machinery is received. The electric crane is erected and in operation by means of an *an* exciter. It will be used by the contractor in setting the bed stones and machinery.

The excavations for the foundation of St. Louis pumping station No. 2 is under way, and the sheet piling at Metairie No. 6 and Orleans No. 7 completed. On the St. Louis canal the excavation is completed for twenty stations or to Galvez street, the brick-work for nineteen stations, and the cover, except the paving, for seventeen stations or to Miro street.

(Signed) (3) W. R. B.

The sheet piling and most of the levee between the Carondelet navigation and the Toulouse drainage canals is completed. The dredging of the New Orleans relief canal has progressed from
126 its lower end at Orleans pumping station No. 7 to within 1,000 feet of the Bienville drainage machine, and such sheet-pile driving as is necessary for it is well advanced.

The "I" beams for Basin street are delivered, and the reports of the inspectors at the several machinery and structural shops at the north and west indicate satisfactory progress and good work.

3rd. Jourdan Avenue canal, J. B. Camors.—This work was started in October, 1897, by hand excavation, with the view of affording work for the laboring poor of the city, and progressed under this system, with an expenditure of about $25,000.00, until it was let to J. B. Camors for completion. The worked is now finished.

4th. Cleaning Galvez, Broad, Proydras, and Lapeyrouse canals, J. J. Keegan.—This work is entirely completed.

5th. Extention of the contract of the National Contracting Company to include the Canal and Julia Street system.—No work has yet been done under this part of the contract.

(Signed) (4) W. R. B.

A financial statement is appended.

Respectfully submitted.

(Signed) R. M. WALMSLEY, *Pres.*

(Signed) F. G. FRERET, *Sec'ty.*

A true copy of the original.
(Signed) CHAS. J. TARRAT.
(Signed) (5) W. R. B.

Cash Account for Twelve Months Ending June 30th, 1898.

Cash balance June 30, 1898.....	559,118.84	
Proceeds 500 bonds sold June 21st, 1898..	505,238.00	
		$1,064,356.84
To debit ac. office expenses....	942.30	
" " " engineering dep't expenses...	23,361.75	
" " " consulting engineers.....	621.75	
" " " cleaning city canals....	10,900.28	
" " " Seventeenth Street canal.....	46,870.43	
To debit ac. printing	9.00	
127 " " " advertising	70.00	
" " " repairs Jourdan Avenue station.....	293.64	
To debit ac. repairs Bienville station.....	1,310.41	
" " " " Dublin "	423.67	
" " " " London "	417.94	
" " " " Melpomene "	240.66	
" " " Orleans	302.95	
" " " Central power station	1,449.18	
" " " pumping station No. 7.....	74.11	
" " " " " 6.....	331.00	
" " " " " 2	70.00	
" " " Orleans relief canal.....	650.25	
" " " Jourdan Ave. canal.....	22,428.28	
" " " Pittsburg test. labor'ty	1,688.35	
" " " testing cement.....	147.90	
" " " bonds (cost of engraving)....	1,755.00	
" " " test case.....	1,003.00	
" " " furnishing ac.....	28.50	
" " " National Contracting Co.....	341,195.80	
		456,586.15
Cash balance June 30th, 1898.....		607,770.69

E. O. E.

(Signed) F. G. FRERET, *Sec'y.*

A true copy of the original.
(Signed) CHAS. J. TARRAT.

CLERK'S OFFICE, CITY HALL,
NEW ORLEANS, *December* 1, 1898.

I certify the foregoing typewritten pages, marked 1, 2, 3, 4, and 5, W. R. B., to be correct transcripts from the records of this office filed July 26th, 1898.

(Signed) WALTER R. BRASHEAR,
Clerk of Council.

128 Official proceedings of the city council of date August 2nd, 1898, showing the report of the drainage commission for the fiscal year ending June 30th, 1898, was received and filed with the clerk of the council, marked "I 11."

Filed November 22nd, 1898.

Offered in evidence by counsel for interveners.

OFFICIAL PR
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COUNCIL CH

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Continued for Argument.

Extract from the minutes, division "D."

TUESDAY, *November* 22, 1898.

esent: Honorable N. H. Rightor, judge.
is case came on this day for trial.
esent: Chas. J. Theard and A. McGuirk, attorneys for relators.
esent: B. K. Miller, Esq., attorney for board of liquidation.
esent: Howe, Spencer & Cocke, attorneys for intervenors, Drain-
'ommission of N. O.
hen, after hearing the pleadings and evidence, the case was
nued till tomorrow, Wednesday, November 23, 1898, at 11
k a. m., for argument.

Continued by Preference.

Extract from the minutes, division "D."

WEDNESDAY, *November* 23*rd*, 1898.

esent: Honorable N. H. Rightor, judge.
is case came on this day for argument and was continued for
er argument to Monday, November, 28th, 1898, at 11 o'clock.

E OF LOUISIANA:

Civil District Court, Parish of Orleans, Division "D."

STATE OF LA. *ex Rel.* MISS L. WILDER & *al.*
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

of evidence on behalf of relators taken in open court on the
th day of November, 1898, before the Honorable N. H. Rightor,
dge.

esent: Charles J. Theard, H. L. Lazarus, and Arthur McGuirk,
elators; B. K. Miller, for defendants; W. W. Howe, for inter-
rs.

Relators produce and offer in evidence ordinance No. 6407,
C. S., of the city of New Orleans, approved May 31st, 1892,
and ordinance No. 66088, C. S., approved September 2nd,
, both duly certified to and now marked "X Y."

ndorsed: 57806. Civil district court, parish of Orleans. State
a. *ex rel.* Miss Wilder & *al. vs.* B'd of Liquidation of City Debt.
of evidence on behalf of relators, taken in open court on the
day of November, 1898. Reported by O. M. Tennison, short-
l reporter. Filed November 28, 1898. W. H'y Allen, d'y clerk.

135 Ordinance No. 6407, council series, setting aside and dedicating to drainage purposes the funds created by sections 8 and 10 of 1890.

Filed December 1st, 1898.

Offered in evidence by counsel for relator.

MAYORALITY OF NEW ORLEANS,
CITY HALL, *June* 4, 1892.

No. 6407, council series.

An ordinance setting aside and dedicating to drainage purposes the funds created by sections 8 and 10 of act 110 of 1890.

Be it ordained by the common council of the city of New Orleans, That that portion of the funds created by sections 8 and 10 of act 110 of 1890, approved July 8th, 1890, for permanent public improvements, be, and the same is hereby, set aside and dedicated to the drainage of the city of New Orleans.

Adopted by the council of the city of New Orleans May 31, 1892.

ED. T. MANNING,
Clerk of Council.

Approved June 4, 1892.

JOHN FITZPATRICK, *Mayor.*

A true copy.
CLARK STEEN,
Secretary to the Mayor.

True copy of ordinance No. 6407 on file in mayor's office.
(Signed) R. L. TULLIS,
[SEAL.] *Secretary to the Mayor.*

New Orleans, Nov. 30, 1898.

Ordinance No. 6688, *Council Series Repealing Ordinance No.* 6407, *Council Series.*

Filed December 1st, 1898.

Offered in evidence by counsel for relator.

MAYORALITY OF NEW ORLEANS,
CITY HALL, *Sept. 9th*, 1892.

No. 6688, council series.

An ordinance repealing ordinance No. 6407, C. S., setting aside and dedicating to drainage purposes the funds created under sections 8 and 10 of act 110 of 1890.

Be it ordained by the council of the city of New Orleans,
136 That ordinance No. 6407, setting aside and dedicating for drainage purposes the funds created by sections 8 and 10 of act 110 of 1890 be, and the same is hereby, repealed.

Adopted by the council of the city of New Orleans Sept. 6th, 1892.

DAN A. ROSE,
Clerk of Council.

Approved Sept. 9th, 1892.

JOHN FITZPATRICK, *Mayor.*

A true copy.
CLARK STEEN,
Secretary to the Mayor.

True copy of ordinance No. 6688 on file in mayor's office.

(Signed) R. L. TULLIS,
[SEAL.] *Secretary to the Mayor.*

New Orleans, Nov. 30, 1898.

Continued to December 1st, 1898.

Extract from the minutes, division "D."

MONDAY, *December 28th*, 1898.

Present: Honorable N. H. Rightor, judge.
This case was continued to Thursday, December 1st, 1898, at 11 o'clock, as first case on docket.

Continued to December 2nd, 1898.

Extract from the minutes, division "D."

THURSDAY, *December 1st*, 1898.

Present: Honorable N. H. Rightor, judge.
This case came on this day for argument, and after hearing counsel till the hour of adjournment the court continued same till tomorrow, Friday, December 2nd, 1898, for further argument.

Submission.

Extract from the minutes, division "D."

FRIDAY, *December 2nd*, 1898.

Present: Honorable N. H. Rightor, judge.
This case came on this day—continued from yesterday—for closing argument, and the court, after hearing counsel, took the matter under consideration.

137 *Opinion of Court.*

Filed Dec. 26, 1898.

Civil District Court, Division "D."

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION CITY DEBT ET ALS. } No. 57806.

The relators, claiming the benefit of articles 315 and 316 of the Louisiana constitution of 1898, have demanded from the board of liquidation payment of a large sum of money as holders of school certificates for certain past years. The board has refused payment on the ground that the mandates on this subject of the constitutional convention of Louisiana are violative of the Constitution of the United States and must be reputed as not written.

Elaborate arguments on both sides of the question have been urged by the distinguished counsel, which have left me in doubt as to where is the better reason. Good sense, as well as a proper self-appreciation, recommend that a local tribunal prescribed over by an humble individual exercising judicial functions alone and without a colleague should shrink from striking with nullity the last expression of organized sovereignty. Those higher and numerously composed tribunals whose special duty is to guard the organic laws of the land when brought in question can better judge of these matters; until they have spoken otherwise, we of the smaller magistracy had best obey what is apparently the will of the sovereign. It seems that only in a case when the liberty or perhaps even the life of a citizen is at stake ought an inferior court to question the will of the sovereign.

It very clearly appears that under the two articles of the constitution invoked by the relators they are entitled to the relief prayed for.

The mandamus is made p-remptory.

Judgment.

Civil District Court, Division "D."

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION CITY DEBT ET ALS. } No. 57806.

138 In this cause, submitted to the court for adjudication, the law and the evidence being in favor of the relators and against the defendant and the intervenor, and for the reasons this day assigned in writing and on file herein—

It is ordered, adjudged, and decreed that the intervention of the Drainage Commission of New Orleans be dismissed, at its cost, said intervenor being without any interest herein.

It is further ordered, adjudged, and decreed that the writ of mandamus herein issued be made peremptory; and accordingly the Board of Liquidation of the City Debt of New Orleans is hereby commanded to pay to the relators, Miss Lucretia B. Wilder and the other persons named in ordinance No. 14591 of the city council and in the list or statement annexed to the petition herein, the certificates of indebtedness issued to said claimants by the city of New Orleans, amounting to the total sum of one hundred and fifteen thousand five hundred and fifty-eight $\frac{33}{100}$ — ($115,558.33), together with interest on each of said certificate- of indebtedness, at the rate of five per cent. per annum, from the 9th day of November, 1898, until paid, the said Board of Liquidation of the City Debt to provide the requisite funds by the sale of a sufficient number of the constitutional bonds of the city of New Orleans of the issue provided for in act No. 110 of the General Assembly for the year 1890 and by the amendment to the constitution of the State submitted to the people by the said act and adopted at the general election in 1892, and it is ordered that the said board of liquidation pay the costs.

Judgment rendered December 16th, 1898.

Judgment signed December 22nd, 1898.

(Signed) N. H. RIGHTOR, *Judge.*

Judgment Signed.

Extract from the Minutes, Division "D."

THURSDAY, *December 22nd*, 1898.

Present: Honorable H. N. Rightor, judge.

This judgment was signed in open court on this day.

Motion of the Board of Liquidation of the City Debt for a Suspensive Appeal.

139 Filed December 23, 1898, and entered on the minutes of same date.

Civil District Court, Division "D."

STATE *ex Rel.* MISS L. B. WILDER ET AL. *vs.* BOARD OF LIQUIDATION CITY DEBT. } No. 57806.

On motion of Branch K. Miller, attorney for defendant, and on suggesting that the latter is advised and believes that there is error to its prejudice in the final judgment rendered on December 16th, 1898, and signed on December 22nd, 1898, and that it desires a suspensive appeal therefrom:

It is ordered that the defendant, The Board of Liquidation of the City Debt, be allowed a suspensive appeal from said final judgment, returnable to the supreme court of Louisiana on the first Monday

in January, 1899, the next legal return day for appeals from this court, on defendants furnishing bond in accordance with law or in the sum as may be agreed upon by relators and defendants, conditioned as the law directs.

Motion of Appeal of the Drainage Commission of New Orleans.

Filed December 23, 1898, and entered on the minutes same date.

Civil District Court, Division "D."

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF CITY DEBT; THE DRAINAGE COMMISSION of New Orleans, Intervenor. } No. 57806.

On motion, in open court and at the same term, of Howe, Spencer & Cocke, attorneys for the Drainage Commission of New Orleans, intervenor herein, and suggesting that there is error to its prejudice in the final judgment rendered herein on the 16th day of December, 1898, and signed on the 22nd day of December, 1898:

It is ordered that an appeal from said judgment be granted the said intervenor to the supreme court of Louisiana, returnable on the first Monday of January, 1899, on the said intervenor furnishing bond with good and sufficient security, conditioned as the law directs, in the amount necessary for a suspensive appeal, and
140 in the sum of one hundred dollars (&100) for a devolutive appeal.

Bond of Appeal (Drainage Commission of New Orleans).

Filed December 23, 1898.

STATE *ex Rel.* WILDER, ETC.,
vs.
BOARD OF LIQUIDATION, ETC. } No. 57806. D.

Know all men by these presents that we, The Drainage Commission of New Orleans, as principal, and William W. Howe, of New Orleans, as surety, are held and firmly bound unto Paul O. Guerin, clerk of the civil district court for the parish of Orleans, his successors, executors, administrators, and assigns, in the sum of one hundred dollars; for the payment whereof we bind ourselves, our successors, executors, and administrators, firmly by these presents.

Sealed with our seal and dated in the city of New Orleans on this 23d day of December, in the year of our Lord one thousand eight hundred and ninety-eight.

Whereas the above-bounden principal obligor has filed this day a motion of appeal from a final judgment in the suit of State *ex rel.* Wilder *et al. v.* Board of Liquidation of the City Debt, &c., No. 57806 of the civil district court for the parish of Orleans, on the 16th day of December, 1898, and signed on the 22nd day of December, 1898:

Now, the condition of the above obligation is such that the above-bound drainage commission shall prosecute its said appeal and shall satisfy whatever judgment may be rendered against it or that the same shall be satisfied by the proceeds of the sale of its estate, real or personal, if it be cast in the appeal; otherwise that the said William W. Howe, surety, shall be liable in its place.

(Signed) THE DRAINAGE COMMISSION OF NEW ORLEANS.
HOWE, SPENCER & COCKE,
Attorneys. [SEAL.]
W. W. HOWE. [SEAL.]

Signed, sealed, and delivered in the presence of—
—— ——.

141 *Bond of Appeal, Board of Liquidation of the City Debt.*

Filed December 23, 1898.

Know all men by these presents that we, The Board of Liquidation of the City Debt, as principal, and The American Surety Company of New York, as surety, are held and firmly bound unto P. O. Guerin, clerk of the civil district court for the parish of Orleans, his successors, executors, administrators, and assigns, in the sum of one hundred and twenty thousand dollars; for the payment whereof we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seal and dated in the city of New Orleans on this 23rd day of December, in the year of our Lord one thousand eight hundred and ninety-eight.

Whereas the above-bounden Board of Liquidation of the City Debt has filed this day a motion of appeal from a final judgment rendered against it in the suit of State *ex rel.* Miss L. B. Wilder *et als. vs.* The Board of Liquidation of the City Debt, No. 57806 of the civil district court for the parish of Orleans, on the 16th day of December, 1898, and signed on the 22nd day of December, 1898:

Now, the condition of the above obligation is such that the above-bound Board of Liquidation of the City Debt shall prosecute its said appeal and shall satisfy whatever judgment may be rendered against it or that the same shall be satisfied by the proceeds of the sale of its estate, real or *estate*, if it be cast in the appeal: otherwise that the said American Surety Company of New York shall be liable in its place.

(Signed) BOARD OF LIQUIDATION OF THE CITY DEBT,
By R. M. WALMSLEY, *President.* [SEAL.]
THE AMERICAN SURETY COMPANY OF NEW YORK,
By ARTHUR AMBROSE MAGINNIS,
Resident Vice-President. [SEAL.]
PETER F. PESCUD,
Resident Ass't Secretary.

Signed, sealed, and delivered in the presence of—
—— ——. [SEAL.]

142 *Agreement as to Bond of Appeal of the Board of Liquidation of the City Debt.*

Filed December 23rd, 1898.

Civil District Court, Division "D."

STATE *ex Rel.* L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 57806.

It is hereby understood and agreed that the bond for the suspensive appeal this day filed by defendant under the order for a suspensive appeal herein granted to the supreme court of the State shall be for the sum of one hundred and twenty thousand dollars ($120,000.00) and no more, the said bond to be taken, considered, construed, and to have effect the same as if it were for the sum required by law for a suspensive appeal, the true intent and meaning hereof being to relieve defendant from furnishing an appeal bond for any larger amount, the said bond, so furnished, to suspend the execution of the judgment herein as in case of a suspensive appeal.

(Signed) CHAS. J. THEARD, *For Self, &*
A. McGUIRK &
H. L. LAZARUS,
Att'ys for Ap, dlees.

(") BRANCH K. MILLER,
Att'y for Defendants and Appellants.

Certificate.

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

I, Jas. C. Peyton, deputy clerk of the civil district court for the parish of Orleans, do hereby certify that the foregoing one hundred and twenty-nine (129) pages and plan of drainage annexed in original form do contain a true, correct, and complete transcript of all the proceedings had, documents filed, and evidence adduced upon the trial of the cause wherein State of Louisiana *ex rel.* Miss L. B. Wilder *et al.* are plaintiffs and Board of Liquidation of the City Debt is defendant, instituted in this court and now in the records thereof under the No. 57806 of the docket of this honorable court, division "D," Honorable N. H. Rightor, judge.

In testimony whereof I have hereunto set my hand and affixed the impress of the seal of said court, at the city of New Orleans, on this twenty-third day of December, in the year of our Lord one thousand eight hundred and ninety-eight, and in the one hundred and twenty-third year of the Independence of the United States of America.

[SEAL.] (Signed) JAS. C. PEYTON, *D'y Clerk.*

143 UNITED STATES OF AMERICA,
State of Louisiana.

Supreme Court of the State of Louisiana.

Proceedings had in the supreme court of the State of Louisiana on the appeals taken by the Board of Liquidation of the City Debt and the Drainage Commission of New Orleans.

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION CITY DEBT ET AL. } No. 13034.

Transcript of appeal filed December 24, 1899.
(Signed) PAUL E. MORTIMER,
Deputy Clerk.

Assignment of Errors.

Supreme Court of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF CITY DEBT, &C. } No. 13034.

Assignment of errors.

The Drainage Commission of New Orleans, intervenor herein, assigns the following errors in the judgment rendered herein by the lower court:

The court below erred in rendering judgment in favor of the relators.

The court below erred in dismissing the intervention of this intervenor and in holding that this intervenor had no interest in this cause.

144 The court below erred in holding articles 315, 316, and 317 of the constitution of Louisiana of 1898 to be valid and binding in this cause and as justifying the judgment rendered herein by said lower court.

The said articles 315, 316, and 317 of the constitution of Louisiana of 1898 violate the enabling act No. 52 of 1896, which prohibited the convention which adopted said constitution from enacting, ordaining, or framing any article or ordinance whereby the bonded indebtedness of the State or of any parochial, municipal, levy, or other political corporation thereof should be affected, impaired, or scaled, or the principal or interest thereof remitted, reduced, suspended, or abolished without the consent of the holders of such bonds or security, and the court below erred in deciding to the contrary and so rendering judgment in favor of relators.

The articles 315, 316, and 317 of the constitution of Louisiana of 1898 are null and void because they violate article 1, section 10, of the Constitution of the United States, which forbids a State to pass any law impairing the obligation of contracts. The said articles of

said constitution impair the obligation of the contracts made under act 110 of 1890 and the constitutional amendment thereby proposed and adopted in 1892, and the obligation of the contracts made by the drainage commission under the acts 114 of 1896 and No. 63 of 1898 for drainage work, and the obligation of contracts evidenced by the bonds issued and sold by said drainage commission, to the extent of $500,000; and the court below erred in ruling to the contrary and holding said articles 315, 316, and 317 to be not in violation of said provision of the Constitution of the United States and to be valid, and so giving judgment in favor of relators.

145 & 146 The articles 315, 316, and 317 of the constitution of Louisiana of 1898 are null and void because they violate the provision of the 14th article of amendment to the Constitution of the United States, which forbids any State to deprive any person of property without due process of law, and the court below erred in holding otherwise and so giving judgment for relators.

And for these and other errors apparent on the face of the record said intervenor, appellant, prays that the said judgment herein, rendered December 16, 1898, and signed December 22, 1898, be avoided and reversed, and that the suit of relators be dismissed, and for costs and for general relief.

(Signed) HOWE, SPENCER & COCKE,
Attorneys for Intervenor, Appellant.

Endorsed: No. 13034. Supreme court. State of Louisiana *ex rel.* Miss L. B. Wilder *et als. vs.* The Board of Liquidation of the City Debt. Assignment of errors of the Drainage Commission, intervenor. Filed December 24, 1898. (Signed) T. McC. Hyman, clerk.

Report of the Drainage Commission of 1895.

(Omitted in printing per stipulation of counsel.)

147 *Motion and Order to Fix Case.*

SATURDAY, *December* 24*th*, 1898.

STATE OF LOUISIANA *ex Rel.* MISS L. B. WILDER and Others
vs.
THE BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 13034.

On joint motion of counsel for all parties in interest, and upon suggesting to the court that this is a case in which an early decision is desirable in the public interest, it is ordered that the case be heard by preference on Saturday, the 24th day of December, A. D. 1898.

Filing Agreement as to Transcript.

STATE *ex Rel.* MISS L. B. WILDER and Others
vs.
THE BOARD OF LIQUIDATION OF THE CITY DEBT. } No. 13034.

By agreement between counsel for the parties in interest, in open court, the transcript of appeal in this case, hastily prepared by the clerk of the lower court, may be completed by adding thereto any portions of the record not included in the transcript of appeal just now filed. The right is also reserved the Board of Liquidation of the City Debt to file their assignment of errors in this case.

Cause Heard and Submitted.

DECEMBER 24TH, 1898.

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION CITY DEBT ET AL. } No. 13034.

This cause came on this day to be heard, and was argued
148 by counsel. Mr. Charles J. Theard opened for the relators and appellees. Mr. Branch K. Miller replied for The Board of Liquidation of the City Debt, respondent and appellant, followed by Mr. William Wirt Howe, for The Drainage Commission of New Orleans, intervenor and appellant, and Mr. Henry L. Lazarus, on behalf of the relators, closed the argument. The court then took the cause under advisement upon the briefs for the parties in interest and the papers now on file. (Mr. Justice Miller recuses himself in this case.)

Opinion of the Court.

UNITED STATES OF AMERICA, }
State of Louisiana. }

Supreme Court of the State of Louisiana.

NEW ORLEANS, LA., MONDAY, *May 1st*, 1899.

The court was duly opened pursuant to adjournment.

Present: Their honors Francis T. Nicholls, chief justice; Lynn B. Watkins, Joseph A. Breaux, Newton C. Blanchard, Frank A. Monroe, associate justices.

His honor the chief justice pronounced the opinion and judgment of the court in the following case:

149 STATE *ex Rel.* MISS L. B. WILDER ET ALS. *vs.* BOARD OF LIQUIDATION CITY DEBT ET AL. } No. 13034.

Appeal from the civil district court for the parish of Orleans.

By the 315th article of the constitution the city of New Orleans was authorized and required to examine into and assume payment of the obligations of the board of directors of the public schools of the parish of Orleans for unpaid salaries of school teachers and portresses and other legitimate claims against said school board for the years 1882, 1883, and 1884, and for unpaid salaries of school teachers and portresses for the years 1885, 1886, and 1887, then (now) in the hands of the original holders, who have in nowise parted with their rights of ownership or pledged the same as may be found equitably due by said board.

By the 316th article the city council was directed to issue certificates of indebtedness to the owners of said claims, when examined and found to be equitably due, and that all such certificates should be paid by the board of liquidation.

The article provided that if any of the claims aforesaid should be rejected by the city council the decision thereon might be reviewed by any court of competent jurisdiction, and the judgment of the court thereon should, if in favor of the claimant, be likewise paid by the board of liquidation.

The 317th article directed that the funds requisite to pay said claims should be provided by the sale of a sufficient number of the constitutional bonds of the city of New Orleans of the issue provided for by act No. 110 of the General Assembly for the year
150 1890 and by the amendment to the constitution of the State submitted to the people by said act and adopted at the general election in 1892.

Acting under and by virtue of the provisions of these articles of the constitution, the city council of New Orleans examined into and assumed payment of the school teachers and portresses of the public schools of that city for the years 1882, 1883, and 1884, and the city comptroller, by direction of the council, issued certificates of indebtedness, countersigned by the mayor, setting forth the amount due by the city to each claimant and representing a total sum of one hundred and fifteen thousand five hundred and fifty-eight dollars and thirty-three cents.

The board of liquidation on presentation of the same to them for payment refused to pay the same on the ground that the mode of payment provided by article 317 of the constitution, to wit, by the sale of bonds of the issue provided for by act No. 110 of 1890 (constitutional amendment of 1892), would impair the obligation of contracts, and therefore be a violation of the Constitution of the United States.

The holders of the certificates thereupon cited the board of liquidation into the civil district court to show cause why a writ of mandamus should not issue against them commanding them to pay the certificates, together with legal interest thereon, from judicial

demand until paid, and provide the requisite funds by the sale of a sufficient number of said constitutional bonds.

The board of liquidation answered, pleading, first, the general issue. Averring its right and its duty so to do, it resisted plaintiffs' demand on the assigned grounds and prayed that their demand be rejected.

The Drainage Commissioners of the City of New Orleans intervened in the case, joining the defendants in resisting the demand of the plaintiffs.

151 The latter excepted to the right of the drainage commission to intervene and its right and authority, and that of the board of liquidation, to set up the issues tendered.

The district court dismissed the intervention of the drainage commission and ordered the mandamus prayed for to issue.

The drainage commission and the board of liquidation appealed. In their brief plaintiffs say: "It might well be asked what right the board of liquidation had to assail the validity of the constitution of Louisiana. Created by act No. 133 of the legislature of 1880, the board of liquidation is merely a servant of the people.

"Its members are trusted clerks, charged generally with the liquidation of the city debt; that is all. They are not above the law; they are creatures of the law. If it be true that the act of 1890 or constitutional amendment of 1892 confided to them a special trust, it is also true that they received said trust from the sovereign State of Louisiana, and that she may well modify the instructions which she had seen fit originally to give. It cannot be admitted for a moment that the board of liquidation would have the right in any case to disregard and disobey the mandate of the constitution and resist and defy the will of the people."

A similar claim was advanced by The Board of Public School Directors *vs.* The City of New Orleans (42 Ann., 96), and held by this court to be not well founded.

We adhere to that conclusion, and adopt as correct the reasons assigned by the court for reaching it.

It by no manner of means follows that a board which owes its existence to statute authority and has its powers and duties defined thereby is necessarily under a continuing liability to have its future conduct and its future duties controlled by the same authority.

152 There are doubtless cases where this power of control continues absolutely, but there are others where, though it may be continued, it is under limitations, and others again when it ceases altogether.

This question has to be determined in each case by the nature and character of the duties cast upon the board; the rights of third parties, which may have resulted from an acceptance of the trust, and the duty and liability of the board itself and its members, as resulting from the same fact.

In the case just referred to the court said: "It would be passing strange, indeed, if, after the defendants here have been commanded to show cause why the relief sought against them should not be

granted, they could be met when they appear in response with the objection that they have no standing in court" (11th Wall, 267; 17th Ann., 251; 39 Ann., 11).

The court further said it did not hold (in 41 Ann., 156) that the city did not possess the right of pleading its unconstitutionality, and that they must not be heard.

Article 254 of the constitution of 1879, referring to the powers and duties of the legislature in respect to the city of New Orleans, said: "The General Assembly at its next session after the adoption of the constitution, shall enact such legislation as may be proper to liquidate the indebtedness of the city of New Orleans and apply its assets to the satisfaction thereof.

"It shall have authority to cancel the charter of said city and remit its inhabitants to another form of government, if necessary."

This article was adopted in view of the very many sweeping alterations made in the constitution in the powers of taxation, not only of the different parish and municipal corporations of the State, but of the State itself, and in the extent of legislative control over corporations, both private and public.

Article 45 prohibited the General Assembly from granting
153 or authorizing any parish or municipal authority to grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor, or authorize the payment of any claim against the State or any parish or municipality of the State, under any agreement or contract made without express authority of law, and all such agreements or contracts should be null and void.

By article 46 the General Assembly was prohibited from passing any local or special law "creating corporations, or amending, renewing, extending, or explaining the charter thereof, provided this should not apply to the corporation of the city of New Orleans, or granting to any corporation any special or exclusive right, privilege, or immunity, or legalizing the unauthorized or invalid acts of any officer, servant, — agent of the State or of any parish or municipality thereof."

Article 202 declared that the taxing power might be exercised by the General Assembly for State purposes and by parish and municipal corporations under authority granted to them by the General Assembly for parish and municipal purposes, but by article 209 the State tax on property for all purposes whatever, including expenses of government, schools, levees, and interest, should not exceed in any one year six mills of the dollar of its assessed value, if the ordinance regarding the bonded debt of the State should be adopted and ratified by the people, and if said ordinance should not be adopted and ratified by the people said State tax for all purposes should not exceed in any one year five mills on the dollar of the assessed valuation, and no parish or municipal tax for all purposes whatsoever should exceed ten mills on the dollar of valuation. Article 229, however, directed that the General Assembly should provide that every parish might levy a tax for the public schools therein, which should not exceed the State tax, provided that with

such tax the whole amount of parish taxes should not exceed the limits of parish taxation fixed by the constitution.

154 In 1880 the General Assembly passed act No. 133, entitled "An act to liquidate the indebtedness of the city of New Orleans and apply its assets to the satisfaction thereof, to create a board of liquidation and prescribe their duties, and to provide for a fiscal agent and for the levying of a special tax to pay said interest."

For the purpose of carrying out the purposes of the act and liquidating the indebtedness of the city, a board designated as the board of liquidation of the city debt was created, to which the duty was assigned or delegated of retiring and cancelling "the entire debt of the city," except the floating debt created up to the date of the passage of the act (April, 1880)." The board was authorized and directed to have certain described bonds prepared, which it was declared were to be used exclusively for the purpose of negotiation or of exchange, as therein provided for. The method provided for, for retiring the debt, was either by the sale of the new bonds or by their exchange for old ones. It was provided that the entire issue of new bonds to be sold or exchanged should not exceed ten million- of dollars. It was declared that nothing in the act should be construed as affecting article No. 31 of 1876, known as the "premium bond act," and it was made the duty of the city authorities to turn over and transfer to the board all monies collected on account of the tax levied in accordance with the provisions of that act, and it was made the duty of the board to apportion the proceeds of said tax and apportion the same *pro rata* and in the proportion which each form of bonded indebtedness should bear to the entire amount of the city's debt, and such portions of the said proceeds of tax as should not properly belong to the outstanding amount of premium bonds were directed to be applied to the payment of the bonds created by the act then being enacted. The act required the city council to levy an annual tax, calculated upon the assessment of the preceding year, less twenty per cent., sufficient to pay in

155 full the interest on all the bonds issued under its provisions, and it directed that any tax levied should continue in force until superseded by a new tax levy for the same purpose.

The surplus arising from the collection of the debt and interest tax or from the sale of assets in the hands of the board, after paying the interest coupons of the bonds to be issued under the act, were ordered to be used for the purchase and retirement of any valid bond of the city created before the passage of the act at a rate not exceeding fifty cents on the dollar, or at the discretion of the board, for the retirement of the bonds created under the act, at a price not exceeding par, and the bonds or obligations purchased, exchanged, or retired were directed to be cancelled. The fourth section of the act subjected the members of the board to a criminal prosecution should they knowingly audit, fund, or purchase or retire for value any illegal obligation of the city or use any portion of the bonds authorized to be issued or the proceeds for purposes otherwise than those contemplated by the act.

In 1882 the General Assembly, by act No. 58 of that year, authorized

the city of New Orleans to renew and extend payment of her outstanding bonds other than premium bonds, to provide the rate of interest on the bonds as renewed or extended, and to levy a tax to pay the same. This tax, the act declared, should never exceed one-half of one per cent. nor be less than one-quarter of one per cent. on the assessed valuation of all taxable property, and should be turned over as collected to the board of liquidation in the same manner as the premium bond tax, to be by them depositsd to the credit of the city debt fund and to be applied exclusively for the objects and purposes therein declared.

The act directed that all funds then or which might be at the date of the passage of the act in the hands of the board of liquidation under existing laws should be deposited with the fiscal agent
156 of the board to the credit of the account known as the "city debt fund," which fund should be used exclusively to the purchase on the most favorable terms, not exceeding par, of the face value of the outstanding bonds or coupons or certificates therefor of the city, which were extended or to be extended under the provisions of the act then being enacted, provided that said city debt fund should be used first to provide for and pay the interest on the bonds and certificates contemplated in the act, and the city was directed, in its annual budget, to make an appropriation to carry out the provisions of the act.

The seventh section directed that the surplus proceeds of any of the premium bond tax of each year remaining in the hands of the board of liquidation or surplus on hand at the time of the passage of the act, after all the drawn series, interest, and premiums thereon exigible or due to the holders thereof have been provided for or fully paid, should also be deposited with the fiscal agent of the board to the credit of the account known as the city debt fund and applied exclusively as provided in section fifth.

The tenth section declared the act in all its parts, provisions, terms, conditions, obligations, and limitations should be deemed to be and be a valid, binding contract between the State of Louisiana, the city of New Orleans, its residents, citizens, and tax-payers, and the holders of the bonds authorized in the act to be extended.

In July, 1884, the General Assembly passed an act known as No. 67 of that session, entitled "An act to amend and re-enact sections 2, 3, & 5 of an act entitled 'An act to liquidate the indebtedness of the city of New Orleans and to apply its assets to the satisfaction thereof, to create a board of liquidation and prescribe their duties, and to provide for a fiscal agent and for the levying of a sufficient tax to pay said interest,' approved April 10th, 1880, and to further provide for the redemption of the bonds authorized herein,
157 the payment of the interest on the same when said tax is not levied, and for the disposition and sale of said assets and other property."

The act so amended is the act hereinbefore referred to as act No. 133 of 1880.

The amendment to the second section consisted in extending the powers and duties of the board of liquidation so as to give it ex

clusive control and direction of not only all matters relating to the "bonded debt" of the city, but of all matters relating to the "judgment and bonded" debt of the city, and in altering the form and terms of the bonds which the board had been directed to have prepared.

The third section of the act of 1880 as amended authorized and required and made it the duty of the board to retire and cancel the entire debt of the city standing at the time of the passage of the amending act in the form of executory judgments and registered under the provisions of act No. 5 of 1870 and that which thereafter might become merged into executory judgments and likewise registered, except the floating debt or claims created for and against the year 1879 and subsequent years.

It declared that it was the full intent and meaning of the amending act to apply solely the privileges thereof to executory judgments at that time rendered (the passage of the new act) against the city and to such floating debt or claims against said city for 1878 and previous years merged and to be merged into executory judgments, whether absolute or rendered against the revenues of any particular year or years previous to the year 1879.

For the purpose of retiring and cancelling said judgment debt the board was authorized and required either to sell the bonds to be issued under the act at not less than their par value and apply the proceeds thereof to the payment of the said judgments as specified or to issue said bonds in exchange thereof.

158 In July, 1890, the General Assembly passed an act which appears in the published acts of that session under the number 110, but is referred to in the amendment to the constitution of 1879, adopted in 1892, as act No. 36.

This act, though it preceded the adoption of the amendment, was entitled "An act to carry into effect the constitutional amendment passed at the present session of the legislature relative to the bond debt of the city of New Orleans, and to authorize and direct the said city to issue through the board of liquidation of the city debt, four per cent. bonds to be known as the constitutional bonds of the city of New Orleans, payable fifty years from date; and to direct the retirement of the now outstanding bond debt of said city, premium bonds excepted, by the sale of said constitutional bonds and application of proceeds by the board of liquidation to the payment of said outstanding bonds, premium bonds excepted, and to the payment, also, of certain judgments against the city on floating debt claims created prior to 1879, and to authorize the purchase by said board of said outstanding bonds, other than premium bonds, or the exchange thereof, for said constitutional bonds and for the payment of said outstanding bonds, and of the aforesaid outstanding bonds not retired under this act and for the payment of the annual allotment of premium bonds and premiums; to direct the levy and collection by the city of one per cent. now levied for the bond debt and to direct the payment to and application by the board of liquidation of said taxes to the purpose aforesaid, for which it is levied, and to provide a sinking fund for said constitutional city

bonds, and for the disposition of the surplus of said tax not required for the aforesaid bond debt, and to recognize said tax as the contract right of the holders of the aforesaid bonds and to recognize, also, the exemption of said constitutional bonds from all taxation, and to define the functions and powers of said board of liquidation."

159 The first section of that act declares that, in order to provide for the retirement of the outstanding bonded indebtedness of the city of New Orleans and such other indebtedness as under existing laws is or becomes entitled to be funded into any series of bonds, always saving and excepting, however, the bonds known as premium bonds, the city of New Orleans be authorized, empowered, and directed to issue bonds to the amount of ten million- of dollars, described as to their form and terms.

It directs that these bonds, when executed, should be delivered to the board of liquidation of the city debt, to be used for the purposes aforesaid, in accordance with the provisions of the act.

The second section authorized and empowered the board to sell and dispose of such amounts of said constitutional bonds as might be requisite for the purposes expressed in the later section of the act and fixed the terms and conditions on which they should be sold.

The third section directed that all the funds received by the board from the sale of constitutional bonds should be immediately deposited with the fiscal agent of the city of New Orleans to the credit of a special fund called the bond-sales fund, which said fund should be used solely and exclusively for the purpose of retiring by payment all the said now outstanding valid bonds of the city of New Orleans matured or subject to be called upon, including the certificates of bonds issued under the fourth section of act No. 54 of 1882 and including judgments then or thereafter rendered on floating-debt claims prior to 1879 entitled to be funded under act No. 67 of 1884, but excluding premium bonds issued under act No. 31 of 1876 not to be retired under the act

The fourth section gave the board power, after the payment of all aforesaid outstanding bonds subject to call or matured as provided in the third section, to purchase the unmatured outstanding bonds of the city, premium bonds always excepted, and fixed

160 the terms and conditions under which the purchase could be made.

The fifth section authorized the board to exchange bonds issued under the act for valid outstanding bonds of the city, premium bonds excepted, and fixed the manner, terms, and conditions under which the exchange could be made.

The seventh section made it the duty of the council, in order to provide for the payment of the principal and interest of the constitutional bonds authorized to be issued by the act and all other valid outstanding bonds of the city, to levy for the year 1892, and annually thereafter until the principal and interest of the bonds authorized to be issued was fully paid, a special ad valorem tax of one per cent. upon all the taxable property of the city, said special tax to be a part of and not in addition to the tax of twenty mills and two-

tenths of a mill on the dollar of value then levied for all purposes by the city of New Orleans.

The eighth section directed that out of the proceeds of said one per cent. per annum tax beginning in the year 1892 the board of liquidation should annually provide for the carrying of the premium-bond plan, the payment of the interest upon the bonds authorized to be issued by the act and of the interest upon all other outstanding interest-bearing bonds of the city, and after the year 1925 for the annual sinking fund necessary to call and retire the number of bonds provided for in section 9 of the act.

It further directed that after making in each year the provisions above required, and after deducting the expenses incurred by said board, and after paying any deficiency in the interest fund of any previous years one-half of the surplus should be passed to the credit of a special fund to be known as the "permanent public improvement fund," to be disposed of as disposed of later in the act, and the other half of said surplus should be paid over to the
161 school board of the city in addition to any other fund appropriated by said city out of other funds, to be used in the maintenance and support of the public schools in said city.

The tenth section directed that "the permanent public improvement fund" should be used exclusively for the purpose of the construction of permanent public improvements in the city, such as levees, canals, drainage stations, pavements, public buildings, public parks and bridges, and required that all ordinances passed by the common council to be paid out of this fund should be first approved by the said board of liquidation, who should not draw any checks on said fund unless they should be convinced, upon proper enquiry, that said ordinances covered the construction of a permanent improvement within the purview of the act. It was declared in the section that the true meaning of this clause was not to give said board any authority to say to what permanent public improvement any fund should be applied, but only to see that said funds should be applied exclusively to the construction of improvements that are permanent.

In the 11th section of the act the board of liquidation was created a body corporate, with power to sue and be sued; it was declared that nothing in the act should be construed to affect or change in any manner the duties, powers, and functions of the board of liquidation under existing laws not inconsistent with it or the rights of said board to the assets and property of the city not dedicated to public use, including the uncollected taxes prior to 1879, but said duties, functions, rights, and powers were maintained and confirmed in full force.

The 16th section declared all the substantial provisions of the act to be a contract between the State of Louisiana, the city of New Orleans, the tax-payers of said city, and each and every holder of said constitutional bonds.

The 18th section declared that nothing in the act contained
162 should be construed to affect or disturb in any manner the existing right to the tax now (then) levied for premium bonds

and for said outstanding bonds not retired, said tax being preserved in full force, and the payment of the allotments of premium bonds and premiums extant in the hands of holders and of the interest and principal at maturity of all outstanding bonds that might not be retired under the act, should it continue as now (then), directed under existing laws, said tax of one per cent. being levied for premium bonds and outstanding bonds not retired, as well as for the aforesaid constitutional bonds substituted for the outstanding bonds paid, purchased, or retired by exchanges under the act.

The 19th section declared the general provisions of the act should not take effect until the adoption of the constitutional amendment then contemplated, and repealed all laws or parts of laws contrary to or inconsistent with the act.

The constitutional amendment referred to was submitted to and adopted by the people, and was as follows:

"For the purpose of retiring the now existing valid outstanding bonds of the city of New Orleans, including the bond certificates or bonds issued under the act of the legislature No. 58 of 1882, and to retire judgments now or hereafter rendered against the city on floating-debt claims prior to 1879, entitled to be funded under act 67 of 1884, the said city of New Orleans is hereby authorized and directed, on and after the adoption of this amendment, to issue, through the Board of Liquidation of the City Debt, bonds to be known as the *the* constitutional bonds of the city of New Orleans, not exceeding ten millions of dollars, at fifty years, bearing four per cent. per annum interest, to bear date and be in the form prescribed by the legislature. The said bonds shall be applied by the said board to the retirement of said outstanding bonds and judgments by the sale of said constitutional bonds, and
163 application of the proceeds of sale by the board of liquidation to pay or purchase said outstanding bonds and judgments or by exchanging the said constitutional bonds for bonds on the term*d* and in the mode prescribed by the legislature. For the payment of the interest and principal at maturity of said constitutional bonds and other outstanding bonds not retired under this amendment, and for the payment of the annual allotments and premiums of the premium bonds of said city, the said city is hereby authorize*s* and directed to lev*t* annually, and until the full payment of said bonds, a special tax of one per cent. on all the real and personal property of the city—said tax to be part of and not in addition to the tax of twenty mills and two-tenths of a mill on the dollar of the valuation now levied for all purposes by the city of New Orleans—and the said tax shall be paid over as collected to and be applied by the board of liquidation to the payment of the interest and principal at maturity of said constitutional bonds and outstanding bonds not retired and to the payment of the allotments of premium bonds and premiums extant in the hands of holders. Said tax is hereby declared to be the contract right of the holders of all of said bonds, and the exemption of said constitutional bonds from all taxation by the city of New Orleans and State of Louisiana—hereby recognized and declared; and after the payment of all the

interest on said constitutional bonds and bonds not retired and the payment of the said annual allotments of premium bonds and premiums extant in the hands of holders, and after making provisions for a sinking fund at such time and of such amount as the legislature prescribes, the surplus of said one per cent. shall be disposed of by the legislature."

— the act passed at the present session, No. 36, entitled "An act to carry into effect the constitutional amendment passed at the present session relative to the bond debt of the city of New Orleans," etc., be, and is hereby, approved and confirmed in all its parts as a contract between the city of New Orleans and the holders of
164 said constitutional bonds, premium bonds, and of the bonds outstanding not retired as aforesaid.

The city of New Orleans is hereby authorized and empowered to examine into and assume the payment of the claims and obligations of the board of school directors for the city and parish of Orleans due for the year- 1880, 1881, 1882, 1883, and 1884, now on the hands of original owners who have in nowise parted with their right of ownership or pledged the same as may be found to be equitably due by said board for services rendered, labor performed, or materials furnished by authority of said board.

In 1896, by act No. 114, the General Assembly created a drainage commission for the city of New Orleans. It gave the commission full power to control and execute the drainage of the city, authorizing it to proceed to execute and carry out substantially the plan for such drainage adopted by the council of said city by ordinance 10091, council series, approved 10 July, 1895, so far as it might find said plan desirable and practicable, with the right — power to modify the same as in its judgment circumstances might require. All work done or supplies and materials ordered by the commission were directed to be let out to the lowest bidder. In order to raise funds for the purpose of doing the work speedily and on an extensive scale the commission was given power to issue and dispose of its negotiable bonds, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, to be sold by the commission at not less than par.

That portion of the funds in the hands of the board of liquidation under the provisions of section- 6 and 10 of act No. 110 of 1890 accruing to public works, etc., from January, 1898, was dedicated and applied for the purposes of the act, and all monies and funds at the time of the passage of the act under the control of the city of New Orleans and afterwards to be received arising from the sale
165 of street-railroad franchises or other franchises were also dedicated and applied to the purposes of the act.

All monies and funds dedicated and applied for the purposes of the act were declared to be consecrated to the payment of the principal and interest on said bonds. It was declared that all the provisions of the act respecting the dedication and application of funds and money constituted a contract with the holder or holders of bonds issued, the obligation of which contract should not be impaired.

In 1898, by act 63, the General Assembly amended and re-enacted sections 6, 7, and 8 of act 114 of 1896, creating the drainage commission. Under the amendment to section 6 the amount of bonds which the drainage commission had been authorized to issue was reduced from five millions to one million five hundred thousand dollars. In the same amending section it was declared that all monies and funds dedicated and applied by the act to the purposes thereof were primarily consecrated to the payment of the interest on said bonds and the redemption of the principal thereof, as provided in the act, but any surplus of said funds inuring to said commission from taxes of 1899, 1900, 1901, and 1902 and from other sources prior to January 1st, 1893, not required to pay current interest on said bonds, might be used for the general purposes of said commission.

The commission, after the year 1920, was given the right and it was made its duty to call in and pay not exceeding two hundred thousand dollars of said bonds in each year and in the order of their issue, beginning with number one.

By the seventh section of the act its provisions respecting the dedication and application of funds and monies was declared to constitute a contract primarily with the holders of said bonds, as aforesaid, to the extent as aforesaid, and also with each and every person or corporation that may have entered into contracts with the
166 said commission, and it was further declared that the obligation of said contract as to dedication and application of funds and monies should not be impaired as might be enforced by any holder of said bonds or by any contract creditor of said commission by mandamus and injunction or by other proceedings in court.

In 1886 this court was called upon, in Labatt *vs.* New Orleans, 38 Ann., 284, to pass upon the right of the plaintiff therein declaring on certificates issued by the board of directors of the public schools of the city of New Orleans during the years 1874, 1875, and 1876, to recover judgment thereon against the city of New Orleans, the ulterior object being to obtain therefor bonds of said city to be issued under the provisions of act No. 67 of the legislature of 1884, which was amendatory of act No. 133 of 1880, passed for the purpose of liquidating the indebtedness of the city of New Orleans.

The court in its opinion stated that the main contention hinged upon the question as to whether such certificates evidenced or not an indebtedness of the city of New Orleans; that plaintiff's argument was that those certificates constituted a part of the indebtedness of the city of New Orleans, but that if, when issued, they were not debts of the city, they had acquired that character under a correct construction of article 254 of the constitution of 1879 and of section 3 of article No. 74 of 1880, which purposed to enforce the provisions of article 254 of the constitution.

After an examination of the certificates, the court was of the opinion that they were not evidences of debt against the city and their holders had no right to obtain judgment against the city with a view to have the same converted into bonds under the provisions of act No. 67 of 1884; that that portion of act No. 74 of 1880 which

placed the unpaid salaries of school teachers subsequent to 1872 and prior to January 1st, 1880, on the same footing with the
167 valid indebtedness of the city of New Orleans and authorized bonds might be issued to take up school-board certificates which had been issued for the same was unconstitutional and therefore void.

Referring to plaintiff's argument that this act was authorized by article 254 of the constitution reading "that the General Assembly shall enact such laws as may be proper to liquidate the indebtedness of the city of New Orleans and apply its assets to the satisfaction thereof," the court said: "It can scarcely be argued that by this language the convention could be construed to have meant that the legislature could provide for the liquidation of claims which were not part of the indebtedness of the city of New Orleans, or that such language could possibly be strained to mean that the legislature was therefore vested with the power to coerce the city of New Orleans into the settlement of school certificates which had issued without her authority or consent by an irresponsible board or corporation for or without valuable consideration, and perhaps in direct violation of the very law whence such board could derive its only legitimate authority.

The language of the constitution can authorize no such deductions, and its proper construction would at once strike with nullity any attempt of the legislature to fasten on the city of New Orleans the obligation to settle or liquidate any claims which are not legally and unequivocally included in the term indebtedness. The very letter and the undoubted spirit of the constitution are most obviously adverse to any such proposed legislation; they go to the extent of forbidding such action even with the consent of the corporation.

In 1888 the General Assembly, in act No. 81 of that year, provided that the city council of New Orleans in making their annual budget of expenditures should include therein the amount deemed necessary to meet the expenses of the schools and keep in good repair school-houses and grounds as may seem reasonable and
167½ just, provided it should not exceed the statement of the school board to be previously made, and shall not be less than two hundred and fifty thousand dollars, whereof $75,000 is to be paid out of the reserve fund of twenty per cent. contributed by section 66 of act 20 of 1882 and act 109 of 1886, from which certain claims against the board shall be gradually paid, so as to be extinguished in 1896. The act authorized the board, if necessary, to enforce its provisions by mandamus.

The city having refused to make appropriations as directed, the board sought, by judicial proceedings, to force it to do so through mandamus. State *ex rel.* School Board *vs.* City of New Orleans, 42nd An., 94.

The city defended upon the ground that the General Assembly was attempting to amend its charter in a prohibited manner, and requiring it to pay through the board of directors a debt which it

did not owe. The district court refused the mandamus, and the Supreme Court on appeal, affirmed the judgment.

In the course of its opinion this court said: "It is elementary that a State, in the absence of constitutional prohibition, may delegate part of her political and administrative powers to municipal corporations within her borders, which then become State functionaries, and that whenever such delegation may take place the State can confer on them certain rights, which she may subsequently extend, abridge, or withdraw, as may seem just and advisable, but without impairing the obligation of contracts. This privilege of delegation is essential in the very nature of things, as otherwise the local administration necessary for public good would be an impossibility in consequence of the practical inability of the State general government to well provide by itself for the regulation of administrative matters on numerous important details in the different parts of the State.

168 "The organic law may, however, check the incidental rights of the legislature, so that when constitutional restrictions have been imposed the limitation is paramount and the legislature is impotent.

"Indeed, it is a question settled beyond the possibility of reasonable doubt, and which needs no reference to authorities to be verified, that the supremacy of the legislature over a municipal corporation, in many respects, is restrainable by qualifications placed by the constitution in terms or by fair implication.

"It is as clear that a legislature can no more transgress a State constitution than that a convention can violate the Federal Constitution, than that a municipal corporation can override its charter or valid laws affecting it and the Federal or State constitution.

* * * * * * *

"Although under an express constitutional provision the legislature has authority to cancel its charter and remit its inhabitants to another form of government (article 254), that body has no right to compel its representatives, by whatever name under its actual or under an eventual form of government, to do that which parochial or municipal corporations cannot be forced to do; so that if by the terms of the constitution, or fair implication from them, it appears that the legislature has no right to compel a municipal corporation to do that which the constitution says the legislature may authorize it to do, and if the legislature undertakes to go beyond its power of authorization, its action is nugatory."

In State *ex rel.* Town of Mansfield *vs.* Police Jury of De Soto Parish, 47 An., 1244, we had occasion to examine into this same question as to the power of control of the General Assembly over the powers of taxation, the actions, and the funds of a municipal corporation, in view of constitutional restrictions and limitations, and reached the same conclusions which had been reached in 42nd Ann., 94, by our predecessors.

Under the principles announced in the cases cited the un-

169 paid salaries of school teachers in the public schools of the city of New Orleans for the years 1880, 1881, 1882, 1883, and

1884 were not "debts" of the city of New Orleans at their origin, and could not be made so by mere legislative authority.

Their status in this respect remained unchanged up to the amendment of the constitution of 1879 adopted by the people of the State, which authorized and empowered, but did not compel the city of New Orleans to examine into and assume the payment of the claims of teachers for these particular years.

The vote of the people of New Orleans on the adoption of that amendment was 34,366 votes for and 599 votes against the same.

The effect of the adoption of that amendment was not to constitute those claims *ipso facto* "debts" of the city. The city only became committed to payment of the same by its subsequent voluntary act.

The amendment designated no time nor method nor means for the payment of these claims, if and when assumed.

The indebtedness of the city covered by act No. 110 of 1890, which the amendment "recognized and confirmed in all its parts," for the funding and payment of which the legislature was therein providing through bonds not to exceed ten millions in amount, was the then existing "valid outstanding bonds of the city of New Orleans, including the bond certificates or bonds issued under the act No. 58 of 1892 and judgments then rendered or thereafter to be rendered against the city on floating-debt claims prior to 1879, entitled to be funded under act No. 67 of 1884." The funding or payment of the unpaid salaries for the years 1880, 1881, 1882, 1883, and 1884 of public school teachers was evidently not contemplated by this act. The debts to be funded, and for which provision for payment through bonds was therein made, were specifically enumerated, and the taxes authorized and directed to be levied by
170 the act were dedicated and devoted, especially and primarily, to the satisfaction of those particular debts as under a contract obligation.

The surplus of the one per cent. tax referred to in the act was the surplus after the payment of all the interest on said constitutional bonds and bonds not retired and the payment of the annual allotments of the premium bonds and premiums extant in the hands of holders, and after making provision for a sinking fund at such time and of such amount as the legislature prescribed. This surplus was authorized to be disposed of by the legislature.

The legislature disposed of it in the 8th section of act 110 of 1890.

After declaring in what way the one per cent. tax should, each year, be primarily disposed of, the General Assembly used the following language: "After making in each year the provision above required, and after deducting the expenses incurred by said board, and after paying any deficiencies in the interest fund of any previous years, one half of the surplus should be passed to the credit of a special fund to be disposed of as disposed of later in the act, and the other half of said surplus should be paid over to the school board of the city in addition to any other funds appropriated by said city out of other funds to be used in the maintenance and support of the public schools in said city."

The disposition of the permanent improvement fund, which the 8th section declared was to be made "later in the act," was made in its 10th section.

The General Assembly had, as we have seen, by its act 114 of 1896, given special direction as to the permanent improvement fund, ordering it to be used for city drainage. It had organized a drainage commission to take charge of that subject and for
171 the purpose of raising funds for the purpose of doing the work speedily and on an extensive scale; had given power to the commission to issue and dispose of its negotiable notes to an amount of five million of dollars, and that portion of the funds in the hands of the board of liquidation accruing to public works, under sections 6 and 10 of act 110 of 1890, had been by it dedicated and appropriated as under a contract obligation for the payment of these bonds.

The drainage commission duly organized and at the time of the adoption of the constitution it had created obligations to a large amount, payable out of the surplus.

We do not understand it to be claimed that the holders of claims for unpaid salaries for the years 1880, 1881, 1882, 1883, and 1884 of teachers in the public schools of New Orleans were entitled to have their claims funded or paid under the act of 1890, but that their pretensions rest exclusively upon the effective force of articles 315, 316, and 317 of the constitution of 1898, which effective force the defendants question.

In discussing this matter we have to deal, not with the powers of the legislature, but of those of a convention not only over corporations and corporate acts, but over the legislatures and legislative acts.

In State *ex rel.* Folsom *vs.* Mayor, etc. (32nd Ann., 714), this court said:

"A constitution framed by a convention of the people, especially after having been submitted to and ratified by a vote of the people, is the ultimate expression of the will of the sovereignty itself. Its provisions may control with plenary power all private and social rights and all existing laws and institutions, and may even violate the most fundamental rules of justice, provided only they do not conflict with the provisions of the Constitution of the United
172 States, which with regard to the subjects controlled by them and to those alone form the paramount law of the land. No court has the right to question the validity of any provision of a State constitution, however unwise, impolitic, or unjust it may be, upon any other ground whatever than that it violates the Constitution of the United States (Cooley on Constitutional Limitations, page 34).

"It follows, therefore, that the provision of the Constitution of 1879 must have full force against all persons and against all rights, except so far as its operation is restrained by the Constitution of the United States."

The court said: "It was useless to discuss limitations upon the powers of the legislature imposed by the constitution of 1868, be-

cause those limitations had no force over the power of the convention."

This last statement was made, of course, with reference to matters not controlled by the provisions of the Constitution of the United States.

The application of these principles to the matters presented to us in this case confine our enquiries to a very narrow range. Are the provisions of articles 315, 316, and 317 of the constitution violative of any of the provisions of the Constitution of the United States?

It is claimed they violate the obligations of contracts, and therefore should not be enforced.

The first point to which we direct our attention is as to the power and extent of the power of the convention over the subject of the drainage of the city of New Orleans or of matters falling under the term "permanent public improvement." Was there anything in the situation of affairs when the convention met which had conferred upon New Orleans, as a city, an absolute vested right to determine for itself for the future, free from all legislative
173 constitutional control, the extent to which permanent improvements should be made within its limits, the selection of the objects of permanent improvement, or the amounts to be expended for that purpose? Unquestionably not.

The convention would have had the right to have ordered the city, as such, to have desisted from improvements of a particular kind, either permanently or for a limited time, with the privilege of continuing later on, or to alter the character or kind of improvements or the amount which should be expended for the same.

The corporation would in vain urge that the course pursued was detrimental to its interests; that it would be checked in its progress; that the public health would be impaired; it would be forced to yield to a superior power legally controlling these matters, however disadvantageously the power might be exercised.

Neither the city nor the drainage commission could legally object that the extent or scope of the system of permanent improvement would be restricted by the withdrawal of funds needed to make that system complete or successful.

The work could have been stopped at any time, though the rights of contract creditors as they existed at the date of the action of the convention could not have been by it impaired.

Our examination on this branch of the case as to the effect of enforcing articles 315, 316, and 317 of the constitution will go no further than to see whether contract creditors having rights upon the permanent improvement fund would be impaired or not.

Defendants assume that the mere fact that constitutional bonds should be sold for the purpose of paying the certificates held by relators or should be given in exchange for those certificates would of necessity entitle the holders of such bonds to prime the holders of permanent improvement bonds, bonds drawn against the
174 "surplus" of the one per cent. tax dedicated to permanent public improvements, and also to necessarily come in on a footing of equality with all the other holders of consolidated bonds,

and they maintain if this be true the rights of contract creditors under the funding act would be impaired.

Relators, on the other hand, insist that the only portion of the one per cent. tax ever set aside for permanent public improvements was one-half of the surplus produced by the tax which would remain, after having retained in the hands of the board of liquidation enough to meet the payment in full of a ten-million issue of consolidated bonds, and that therefore it would be legally immaterial to creditors basing contracts on such surplus to whom the other portion of the fund would go. It would be enough for them to know it would not go to them, and relators urge that other holders of consolidated bonds would have no ground of complaint; that they should be permitted to share equally with them from the tax fund, as they had accepted their bonds on the expected basis of coming in concurrence with an issue of ten millions of bonds; that they might be interested that the limit as to the amount of the bonds should not be passed, but they were without legal interest when the limit should not have been passed as to who should be the holders of the bonds sharing the fund with them.

In support of this last position they rely upon the decision of the Supreme Court of the United States in Board of Liquidation *vs.* McComb (92 U. S. Reports, 531). If the collection of the one per cent. tax would suffice to pay each year the holders of consolidated bonds issued in taking up or retiring the bonds and claims, such as were provided for by the act No. 110 of 1890 and the constitutional amendment of 1892, without any conflict with the bonds ordered to be sold by article 317 of the constitution of 1898, the former, of course, would have no cause of complaint; but if from any cause the amount of the tax collected would be insufficient for that purpose, we do not think the holders of these latter bonds could force the former to prorate with them the amount in hand.

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This condition of things is not existing; it may never arise, and, should it arise, the board of liquidation would doubtless have taken steps to distinguish bonds issued under article 317 from those which had been otherwise issued.

It does not necessarily follow that all claims payable out of a particular tax should stand on a footing of perfect equality as to payment. If from any legal existing cause there would be priority of right, there would be priority of payment. We have an example of this in the matter of the priority or preference payment of the salaries of the constitutional officers of the State over warrants for ordinary claims, though all are payable out of the general fund (State *ex rel.* Collins *vs.* Burke, treas., 32nd Ann., 1213) and it has been held that amounts needed for the alimony of the city have to be paid out before those for other purposes are paid.

(Lucas E. Moore *vs.* City of New Orleans, 32nd Ann., 729; Saloy *vs.* City, 33rd Ann., 79.)

So, also, it sometimes happens from special circumstances that the holder of one or more of the same series of notes may hold rights subordinated to those of the holders of the others.

If there should be in the future any actual conflict of interests, the board of liquidation and the parties interested will doubtless have taken steps to be able to protect themselves.

We do not take the same view that relators do as to what was meant by and intended to be conveyed by the "surplus" referred to by act 110 of 1890, act No. 114 of 1896, and the constitutional amendment of 1892. We think the law-makers intended
176 that any portion of the one per cent. tax provided for in act 110, not needed for the payment or retirement of the particular bonds or claims therein specially provided for as to payment or retirement, should constitute the surplus of the tax; that it was not contemplated when these laws were passed or the amendment of 1892 adopted that in order to exhaust any portion of the ten millions of dollars originally expected to be needed to pay the existing bonds and the existing claims therein specially enumerated which might not be necessary for that purpose new classes of claims should or would be thrown under the provisions of the original funding law.

We think the "surplus" was intended to connect at once and follow immediately behind as to its appropriation the amount beyond that actually needed to carry out the plan as originally mapped out and planned. The surplus was provisionally ascertained each year in a manner particularly specified to be readjusted; the next in a manner also particularly specified. All the surroundings and circumstances connected with the legislation negative the idea that the surplus mentioned was to be only any surplus over ten millions of dollars which might result from the collection of the one per cent. tax.

We think the board of liquidation, the drainage commissioners, and those with whom they contracted were justified in placing that interpretation upon the legislation, and that contract rights based upon the same should be protected from impairment. The convention, while ordering the payment of the certificates held by the relators through sales of consolidated bonds, could not confer upon the holders of such bonds rights which in any way would come in competition with the contract rights of creditors existing against the tax at the time of the adoption of the constitution. Though there was no mention in the constitution as to the rank of the bonds
177 which would be issued to take up relators' certificates, that rank resulted from legally existing conditions, which could not be constitutionally interfered with.

There is no constitutional objection to the convention's ordering the board of liquidation to sell bonds to take up the relators' certificates, but there would be constitutional objection to be urged if the effect of the issuing of such bonds would be to place the holders thereof on an equality with the holders of bonds issued to take up the bonds and claims provided for as to their funding and payment by act No. 110 of 1890, act No. 114 of 1896, and the constitutional amendment of 1892.

Duperier *vs.* Police Jury, 31st Ann., 710; Shields *vs.* Pipes, 31st Ann., 765.

The consolidated bonds which relators seek to have issued upon their prayer will really be drawn against (when issued) any surplus which will remain of the one per cent. tax after the payment of all the bonds issued and to be issued by the board of liquidation under act No. 110 of 1890 and the constitutional amendment of 1892 in order to fund and retire and pay the bonds and debts therein specially enumerated, and also the bonds issued and to be issued by the drainage commission under the provisions and authority of act No. 114 of 1896 to pay the contracts existing at the date of the adoption of the constitution, which were entered into upon the faith of the surplus directed to be set aside to the credit of the permanent improvement fund by the act No. 110 of 1890, act No. 114 of 1896, and the constitutional amendment of 1892.

The effect of this will be to subordinate the rights of holders of bonds issued by the drainage commission to pay for contracts entered into after the adoption of the constitution of 1898 to
178 those of the holders of consolidated bonds to be issued under the orders of article 317 of the constitution of 1898. This may check and impede the work of public improvement, but it is a matter which we cannot control.

For the reasons assigned it is hereby ordered, adjudged, and decreed that the judgment of the district court be, and the same is hereby, affirmed, except as to the interest allowed, which interest is hereby reduced from five to four per cent.; costs of appeal to be borne by appellees.

Mr. Justice Monroe takes no part, as he was not a member of the court when the case was submitted.

179 *Final Judgment.*

UNITED STATES OF AMERICA, }
State of Louisiana. }

Supreme Court of the State of Louisiana.

NEW ORLEANS, MONDAY, *May* 1, 1899.

The court was duly opened pursuant to adjournment.

Present: Their honors Francis T. Nicholls, chief justice; Lynn B. Watkins, Joseph A. Breaux, Newton C. Blanchard, Frank A. Monroe, associate justices.

STATE *ex Rel.* Mrs. L. B. WILDER ET ALII. }
vs. } No. 13034.
BOARD OF LIQUIDATION CITY DEBT. }

On appeal from the civil district court for the parish of Orleans.

For the reasons assigned it is hereby ordered, adjudged, and decreed that the judgment of the district court be, and the same is hereby, affirmed, except as to the interest allowed, which interest is hereby reduced from five to four per cent.; costs of appeal to be borne by appellees.

(Mr. Justice Monroe takes no part, as he was not a member of this court when the case was submitted.)

Petition by Intervenor for Rehearing.

Supreme Court of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION OF CITY DEBT ET ALS. } No. 13034.

To the honorable the chief justice and associate judges of the supreme court of Louisiana:

The petition of The Drainage Commission of New Orleans,
180 intervenor in this cause and one of the appellants, respectfully represents that, as it is advised and believes, there is error to its prejudice in the judgment or decree of your honorable court pronounced in this cause May 1, 1899, and it prays that a rehearing may be granted in this cause.

I.

Your petitioners, intervenor as aforesaid, prays leave to adopt and submit to the court the assignment of errors made by The Board of Liquidation of the City Debt of New Orleans, the respondent in this cause, in its petition for a rehearing, also filed herein, so far as the same apply to the position of this intervenor, *mutatis mutandis*, and that your honors will so consider the same.

II.

Petitioner respectfully submits that your honors have erred in your decree, in this:

That your honors have maintained and upheld and declared to be well founded in law all the pleas, defenses, grounds, and reasons assigned and set up by intervenor in its pleadings, and yet you have affirmed the judgment of the lower court, which declared that the intervenor had no interest in the controversy, dismissed its intervention, and proceeded to grant the relief demanded by the relators as if all the said pleas, defenses, grounds, and reasons had no force or validity.

III.

That in the opinion pronounced for the court by his honor the chief justice the right of this intervenor to come in and assert the points which it asserted and the validity of those points have been, to all intents and purposes, sustained, and yet this opinion is followed by the decree of which we now complain. This decree affirms the decree of the lower court, except in a subordinate
181 matter of the rate of interest, and is a different decree from that which could be justified by the said opinion. The relators asked for the issue and sale of certain bonds, manifestly to be of equal dignity and value as those already issued under act of 1890

and known as constitutional four per cent. bonds of New Orleans, and the lower judge by his decree recognized their right to this relief and granted the same without any restriction. But the opinion of this court declares that such bonds to be issued in this proceeding should be something different and should be subordinate to bonds issued or contracts existing prior to May 12, 1898, when the present constitution went into effect. It is respectfully submitted that to affirm the decree below is an error which ought to be corrected. The contracts made by the drainage commission on the faith of its dedicated fund were made prior to May 12, 1898, and the bonds of the drainage commission set forth in the record were prepared and issued to meet these contracts and were actually sold before the city of New Orleans became a debtor to the relators by assuming their claims—say in August, 1898.

Under the elementary principles of our practice, it is submitted that two propositions at least are correct.

(*a.*) That a relator in the mandamus cannot have the relief demanded unless the granting of such relief is merely the enforcement of a plain ministerial duty precisely indicated and precisely demanded, and there is no room for equitable relief of some other kind, which could only be had by an ordinary proceeding.

(*b.*) On appeal our supreme court should pronounce a judgment conforming to the reasons or motifs of its opinion. If such motifs agree with the views of the lower judge, the result would be an absolute affirmance. If these motifs demand a modification or reversal, or both, the decree of the supreme court should take that form.

182 It would seem to follow necessarily that the relators, not being entitled to what they demanded and what the lower judge gave them, cannot have the decree of the lower judge affirmed. Especially should this be true in the matter of public securities, concerning whose future and whose rights there should be no opportunity for controversy.

IV.

In a matter so important and of such public interest and so deeply affecting the credit of contracts made and securities issued by the city of New Orleans and by the drainage commission the attention of your honors is earnestly called to the familiar doctrine of the civil law and of our own decisions that all judgments are interpreted by the pleadings and by the language of the decree or decrees themselves and not by the motifs or reasons given in the opinion or opinions in the case.

This elementary doctrine becomes very important for the future of this controversy and the future of securities which will have to be issued if your honors' decree remains undisturbed. If it remains undisturbed, it would go down to the lower court to be executed, and the relators and the lower judge would at once declare that the judgment of the lower court had been affirmed and the relators were entitled to have the bonds issued in accordance with the pleadings and with the affirmed judgment without regard to

any of the motifs found in the elaborate opinion of the learned chief justice. If the defendant should tender bonds to be subordinate to the bonds and contracts existing prior to May 12, 1898, they might well be held to be in contempt. The doctrine to which we now allude has been consecrated in many decisions, and was argued with great learning by the late Mr. Bradford and the late Mr. Randell Hunt in the case of Slocomb against Lizardi,
183 21 An., 355–358. Mr. Marcade, vol. 5, page 155, as quoted by the court, 21 Ann., 358, says (we translate): "It is perfectly understood that it is only in the dispositive (decretal) portion of a judgment and not in its motifs (or reasons) that the thing adjudged is found."

It seems plain, therefore, that the decree pronounced by your honors is incorrect and may work a great and irreparable injury. The motifs or reasons of the opinion are not carried out in the decree, and it seems manifest that the decree ought to be set aside and, in any event, a decree pronounced which would represent the doctrines set forth in the opinion. In no other way, under the doctrine of the thing adjudged, can the views expressed in your honors' opinion be carried into effect.

V.

But, apart from this, petitioner submits with great respect that its right to intervene in this cause is plain; that the judgment of the lower court to the contrary is erroneous; that the relators have no legal and constitutional right to the relief they demanded in their petition; that the judgment of the lower court granting such relief was in violation of the contract clause of the Constitution of the United States and of the 14th article of amendment, as specially set up in the pleadings in this cause; that the affirmance of the decree of the lower court by the decree of your honors is, for the same reasons, erroneous; that the relators, not being entitled to the specific relief which they demanded, cannot have some other relief; that the judgment of the lower court ought to be reversed and the relators dismissed, and that, in any event, no such decree as that which has been rendered by your honors can be logically or lawfully predicated on the findings of fact and law set forth in the opinion.

Petitioner therefore prays for a rehearing of this case, and for an oral argument, and for proper time to file a brief in support
184 of this petition, and for general relief.

(Signed) HOWE, SPENCER & COCKE,
Att'ys for Intervenor.

(Endorsed:) No. 13034. Supreme court. State *ex rel.* Wilder *vs.* Board of Liquidation. Petition by intervenor for rehearing. Filed May 15th, 1899. (Signed) Paul E. Mortimer, dep. clerk.

Petition of the Board of Liquidation for a Rehearing.

Supreme Court of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
versus
THE BOARD OF LIQUIDATION OF THE CITY DEBT ET AL. } No. 13034.

To the honorables the chief justice and the associate justices of the supreme court of Louisiana:

The petition of The Board of Liquidation of the City Debt, one of the defendants and appellants herein, respectfully prays that the court grant a rehearing in this case, and as grounds for this application assigns the following errors in the decree of the court:

I.

That by article No. 317, of the State constitution of 1898, petitioner is directed to sell a sufficient number of constitutional bonds issued under the act of the General Assembly, No. 110, of 1890, and the constitutional amendment of 1892, as would realize a sum of money sufficient to pay and discharge such obligations of the board of school directors for the parish of Orleans, for unpaid salaries of school teachers and portresses, and others, mentioned in article 315, of the constitution, as might be assumed, after examination by the city of New Orleans, under and by virtue of articles 315 and 316, of the constitution. That the prayer of relators' petition was for a mandamus, to compel petitioner to provide the requisite funds to pay their claims which had been examined and approved by the city of New Orleans, under said articles 315 and 316, by the sale of a sufficient number of constitutional bonds of the said city, of the issue provided for in act 110, of the General Assembly of 1890, and the amendment to the constitution submitted to the people by said act.

That in answer to the alternative writ of mandamus obtained upon relators' petition, for cause, why the relief prayed for, should not be granted, petitioner in answer and return pleaded:

That said article 317 of the constitution was in contravention of sec. 10, art. 1, and of the fourteenth amendment, of the Constitution of the United States, in that it impaired the obligation of certain contracts created prior to the adoption of the State constitution of 1898, and deprived certain parties, whose rights were by law confided to the protection of your petitioner, of their property, without due process of law.

That by the express terms of said act 110, of 1890, and the said constitutional amendment of 1892, the constitutional bonds thereby authorized can be issued for certain purposes, therein designated and no others, namely: to retire the then outstanding valid bonds of the city of New Orleans, and to pay and retire judgments then, or thereafter to be rendered against the city, entitled to be funded,

under the act of the General Assembly, 67, 1884; that further, by sec. 3, of said act 110, it was declared that the proceeds of the sale of said constitutional bonds should be devoted solely and exclusively to the said two purposes, for which the said amendment created the bonds; that both the said act and the said amendment formed a contract, or contracts, by which the rights of all persons entitled thereunder to receive proceeds of sale of any of said bonds were protected, and this was declared in terms by both the act and the amendment.

That to issue and sell constitutional bonds for any purposes other than those named in the said act and constitutional amendment, was an impairment of the contracts of all persons having any rights under either the amendment or the act, or both; that to sell constitutional bonds, as directed by article 317, of the State constitution, and for the purposes therein named, would be to violate and disregard the limitations and prohibitions set out in the said act and constitutional amendment; that your petitioner, in its answer, set out specifically the contracts made under authority of the said act and amendment, and the legislation, ancillary and in the execution thereof, and the classes of persons in whose favor there existed contract rights thereunder, concerning which your petitioner set up, that there would be an impairment.

That this honorable court, in its opinion, has maintained and upheld, and declared to be well founded in law, all the pleas, defences, grounds and reasons assigned and set up by petitioner, in its answer, why it could not, and refused to, comply with the direction of said article 317 of the State constitution, and the prayer of relators' petition.

That the views of this honorable court as to the right and duty of petitioner to refuse compliance with article 317, and with the prayer of relators' petition, the former, as adopted by the constitutional convention, and the latter as found in the petition, being in exact accord with those of defendant, it is but in simple and fair
184a conformity with justice that the judgment of the district court, which was against the petitioner, rejecting all of the defences raised by it, should not be affirmed, but reversed, by this honorable court.

II.

That by the opinion herein of his honor the chief justice, marked as it is by evidence of the surpassing care and serious consideration bestowed upon this case, the correctness of every proposition advanced by this defendant, in its answer to relators' demand, is fully and unequivocally affirmed. The opinion declares, that defendant was right in refusing, and that it was its duty to refuse, the issuance and sale of constitutional bonds which would, in any form, or in any manner, violate or impair the obligation of any of the contracts which it was charged by defendant, in its answer and return, would be so violated and impaired by a compliance with said article 317. The conclusion of the court is, that your petitioner shall issue and sell said bonds, but they are to be subordinate to every bond issued,

or contract created, or growing out of the said act 110, 1890, or said constitutional amendment of 1892, which came into existence prior to May 12, 1898, the date when the present constitution went into effect. Of this conclusion, petitioner makes no complaint, but such was not the course enjoined upon it by article 317, nor was this the relief that was sought by relators' suit; that no demand of this character, or any of a like nature, has ever been made upon your petitioner, and, hence, never been refused by it.

That the judgment of the district court, which is here appealed from, does not order this defendant to do, what the opinion of this court declares that it should do; that the judgment of this honorable court therefore should be a different judgment from that rendered by the district court; that if the latter be obeyed, which it must be, if affirmed by this court, your petitioner will be compelled to do what this court has declared it is its right and duty, to refuse to do; namely, to issue bonds under act 110, of 1890, and the constitutional amendment of 1892, without condition or restriction as to their effect, upon contract rights created and existing prior to the adoption of the said constitution of 1898; that, therefore, the decree of this honorable court, which is an unconditional affirmance of the judgment of the lower court, should be changed, so as to be in accordance with the views expressed in this court's opinion; this would necessarily require a reversal, instead of an affirmance of the judgment of the lower court, and the rendition by your honors, of a new and original judgment, which, if effect be given to the views expressed in the opinion, is the judgment which should have been rendered by the district court, instead of the one which, as a matter of fact, it did render; that the decree of this honorable court is not in accord, but, on the contrary, is irreconcilably inconsistent with the views expressed in its opinion, the obvious and necessary result of which would be the reversal, and not the affirmance of the judgment of the lower court.

Your petitioner suggests that the rule announced by article 905, of the Code of Practice, that when the Supreme Court reverses the judgment of an inferior court, it shall pronounce on the case, the judgment which the lower court should have rendered, is the rule to be followed here; this would be a judgment, not absolute in its terms, but conditioned upon the non-violation or non-impairment, of any rights or contracts which it is charged, and this court has decided, would be violated and impaired by a compliance with the direction of article 317, of the State constitution, and the prayer of relators' petition.

III.

While the complaint from your petitioner, that the only judgment which could be rendered in the present case, would be one awarding to the relators the precise relief they seek, or one absolutely rejecting their demands, would be well founded, on account of the character of the question involved here, which concerns large and important rights and interests of a public character, petitioner abstains from making one of the grounds of

this application, the well-settled rule, that in a mandamus suit the relator can be awarded no relief which differs in the slightest degree, from the precise one which the suit is brought to obtain; the court having concluded, for reasons as to which petitioner raises no question, to allow relators a right differing from that conferred by art. 317 of the constitution, and differing also from that which relators sought, petitioner deems it not improper to ask the instructions of the court, in case of a probable difficulty of executing the duty which will be imposed by the judgment of this court, even when there is incorporated in it, the conditions and limitations set out in its opinion.

It is declared in the court's opinion, that the bonds to be issued and sold by petitioner shall be controlled by conditions and limitations of right, which are not found in art. 317 of the said constitution; these bonds, if issued under art. 317, would be concurrent with, and equal in every respect to, all other bonds issued or to be issued under the act of 1890, and constitutional amendment of 1892.

The opinion declares, however, that the bonds to be issued and sold, to obtain funds to discharge relators' claims, are to be subordinate to all bonds issued, or to be issued, rights or contracts conferred by, or arising under the act and the amendment, which were created prior to the adoption of the constitution of 1898; this would create a class of bonds inferior in character to all others issued, or to be issued; and in order that notice of the difference between the two classes of bonds be given, your honors say (p. 10, opinion):

"The board of liquidation would doubtless have taken
184*b* steps to distinguish bonds issued under art. 317, from those which have been otherwise issued."

By the terms of sec. 2, of the act 110 of 1890, it is declared that the constitutional bonds are to be sold at the highest premium obtainable, and that no sale shall be made at less than par. Petitioner construes this prohibition as applying to the bonds, which, in the extract from the opinion just made, are termed those "otherwise issued;" namely, the bonds to be sold in order to raise funds to pay relators' claims.

Petitioner respectfully requests that the court define the status of the bonds to be issued therein, with reference to the prohibition against the sale of any bond at less than par, particularly whether or not petitioner is at liberty to disregard the said prohibition in the instant case, or whether it must be observed.

IV.

Petitioner is charged with the execution of delicate and important duties of a public character, requiring the exercise of the highest discretion and the utmost good faith. These duties petitioner has endeavored to perform with fidelity and to the best of its ability; in the preeent case, every objection made by petitioner to the effect of art. 317 of the constitution of 1898, and every defence set up in its answer is sustained by this honorable court, and has been adopted as the basis of its opinion and undoubtedly of the decree it intended to make. The decree of the district court was the

reverse, of every proposition upon which this honorable court proceeds to judgment; the obvious and necessary result of the irreconcilable inconsistency of the views expressed by your honors, and the grounds upon which the lower court based its judgment, is the reversal of the judgment of that court; but your honors have affirmed it; the simple justice of awarding petitioner the vindication which it receives from the opinion of your honors, it is confidently believed you will at once recognize; on this ground, it is respectfully asked that your honors shape and mould your decree, in conformity with the conclusions reached, upon the merits of petitioner's defences.

The form of this decree is suggested in a brief filed in support of this application; it is simply to the effect that the decree of the district court is not affirmed, but reversed, and that your honors render here a new and original judgment, limited by all the conditions and restrictions affirmed by your opinion, which it is apparent it was your intention to award.

V.

That the decree of this court is contrary to the law and the evidence.

VI.

In view of the serious and far-reaching consequences of any decree which your honors may conclude to render, it is respectfully requested that on this application the court hear both relators and petitioner in an oral argument, in the course of which the attention of the counsel may be directed to such propositions, as to which the court may specially desire argument.

Wherefore, petitioner prays that the court allow an oral argument of this application, and that in due course a rehearing be granted, or that the decree of your honors be changed or modified so as to conform with the views expressed in your opinion, and for general relief.

Endorsed: No. 13034. Supreme court. State *ex rel.* Miss L. B. Wilder *et al. versus* The Board of Liquidation of the City Debt *et al.* Petition of the board of liquidation for a rehearing. Branch K. Miller, attorney. Filed May 15th, 1899. (Signed) Paul E. Mortimer, deputy clerk.

185 *Motion and Order for Time on the Part of the Board of Liquidation.*

Supreme Court.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
THE BOARD OF LIQUIDATION OF THE CITY DEBT ET AL. } No. 13034.

On motion of Branch K. Miller, attorney for appellant The Board of Liquidation of the City Debt, and on suggesting that the mover

had filed herein a petition for a rehearing, and on further suggesting that mover's brief in support of said petition is in course of being printed, and that the printing of same is not yet completed—

It is ordered that the said Board of Liquidation of the City Debt be allowed a delay of two days from and after May 15th, 1899, within which to file its brief in support of its petition for a rehearing.

(Endorsed:) No. 13034. Supreme court. State *ex rel.* Miss L. B. Wilder *et al. vs.* The Board of Liquidation of the City Debt *et al.* Motion for delay. Entered & filed May 15, 1899. (Signed) T. McC. Hyman, clerk.

Motion and Order for Time on the Part of Intervenor.

Supreme Court.

STATE *ex Rel.* WILDER, &c., *vs.* BOARD OF LIQUIDATION ET AL. } No. 13034.

On petition for rehearing.

On motion of W. W. Howe, for intervenor, The Drainage Commission of New Orleans, and suggesting that it has duly filed its petition for a rehearing in this cause—

Ordered that it have until May 20, 1899, to file a brief in
186 support of said application.

Endorsed: No. 13034. State *ex rel.* Wilder, &c., *vs.* Board, &c. Order for time, &c. Howe, of counsel. Entered & filed May 15, 1899. (Signed) T. McC. Hyman, clerk.

Opinion on Application for Rehearing.

UNITED STATES OF AMERICA, *State of Louisiana.*

Supreme Court of the State of Louisiana.

NEW ORLEANS, *June* 30, 1899.

The court was duly opened pursuant to adjournment.

Present: Their honors Francis T. Nicholls, chief justice; Lynn B. Watkins, Joseph A. Breaux, Newton C. Blanchard, and Frank A. Monroe, associate justices.

NEW ORLEANS, *June* 30, 1899.

His honor the chief justice pronounced the opinion and decree in the following case:

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION CITY DEBT ET AL. } No. 13034.

On application for rehearing.

An examination of this cause on the application for a rehearing has brought to our notice that in affirming the judgment of the district court we affirmed that portion of the same which dismissed the intervention of the Drainage Commission of New Orleans as being without any interest in the cause. Such was not our intention.

We think the Drainage Commission of New Orleans had sufficient interest in the matters involved in the litigation to intervene in the cause.

187 A re-examination of the cause has brought us to the conviction that our judgment is erroneous, in so far as it accorded interest to the relators upon their certificates.

For the reasons assigned, it is ordered, adjudged, and decreed that our former judgment be amended by setting aside that portion of the same by which interest at four per cent. is accorded to the relators, and by which the judgment of the district court is affirmed in dismissing the intervention of the drainage commission.

It is now ordered, adjudged, and decreed that the judgment of the district court, in so far as it dismisses the intervention of the Drainage Commission of New Orleans as having no interest in the cause, and in so far as it recognizes the right of the relators to interest upon their certificates, be annulled, avoided, and reversed, and it is now ordered, adjudged, and decreed that, recognizing the right of the said drainage commission to intervene herein, its intervention be, and it is hereby, reinstated; and it is further ordered and decreed that that portion of relators' present demand by which they pray that they be recognized as entitled and accorded interest upon their certificates be, and the same is hereby, rejected.

It is further ordered, adjudged, and decreed that the judgment of the district court, except as herein altered and amended, be affirmed, and our own judgment, except in so far as herein altered and amended, remain undisturbed.

Monroe, J., takes no part.

Final Judgment.

NEW ORLEANS, FRIDAY, *June* 30, 1899.

The court was duly opened, pursuant to adjournment.

Present: Their Honors Francis T. Nicholls, chief justice;

188 Lynn B. Watkins, Joseph A. Breaux, Newton C. Blanchard, Frank A. Monroe, associate justices.

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT ET AL. } No. 13034.

(On application for rehearing.)

For the reasons assigned, it is ordered, adjudged, and decreed that our former judgment be amended by setting aside that portion of the same by which interest at four per cent. is accorded to the relators and by which the judgment of the district court is affirmed in dismissing the intervention of the drainage commission.

It is now ordered, adjudged, and decreed that the judgment of the district court, in so far as it dismisses the intervention of the Drainage Commission of New Orleans as having no interest in the cause, and in so far as it recognizes the right of the relators to interest upon their certificates, be annulled, avoided, and reversed, and it is now ordered, adjudged, and decreed that, recognizing the right of the said drainage commission to intervene herein, its intervention be, and it is hereby, reinstated; and it is further ordered and decreed that that portion of relators' present demand by which they pray that they be recognized as entitled and accorded interest upon their certificates be, and the same is hereby, rejected.

It is further ordered, adjudged, and decreed that the judgment of the district court, except as herein altered and amended, be affirmed, and our own judgment, except in so far as herein altered and amended, remain undisturbed.

Monroe, J., takes no part.

Rehearing Refused.

FRIDAY, *June 30th*, 1899.

The court was duly opened pursuant to adjournment.

Present: Their honors Francis T. Nicholls, chief justice;
189 Lynn B. Watkins, Joseph A. Breaux, Newton C. Blanchard, Frank A. Monroe, associate justices.

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION CITY DEBT ET AL. } No. 13034.

By the COURT: It is ordered that the rehearing applied for in this case be refused.

Notification.

Cable address, "Knox."

Branch K. Miller, attorney-at-law, 316 Carondelet street.

Office hours: 9 to 10.30 a. m. and 3 to 4.30 p. m.
Telephone 1345.

NEW ORLEANS, *July* 5, 1899.

R. M. Walmsley, Esq., president Drainage Commission of New Orleans, New Orleans, La.

DEAR SIR: I hereby give you notice that The Board of Liquidation of the City Debt, defendant, in State *ex rel.* Miss L. B. Wilder *et al. vs.* The Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of Louisiana, will, on this day, present to the chief justice of the supreme court of the State of Louisiana a petition for a writ of error to remove the said cause to the Supreme Court of the United States, to the end that the judgment or decree of the said court may be reviewed by the Supreme Court of the United States.

The Drainage Commission is a party to said suit by intervention. I send this to request that you join in said writ of error, and beg to ask that you please notify me whether or not the drainage commission will join in said writ.

Yours very respectfully,

BRANCH K. MILLER,
Attorney for Board of Liquidation of the City Debt.

190 *Reply of Drainage Commission.*

NEW ORLEANS, *July* 5, 1899.

Branch K. Miller, Esquire, attorney for Board of Liquidation of the City Debt, New Orleans, La.

DEAR SIR: Mr. R. M. Walmsley, president of the drainage commission, has referred to us for answer your communication of this date, requesting that the commission join the board of liquidation in a writ of error and a petition therefor to remove to the Supreme Court of the United States for review the case of The State *ex rel.* Miss L. B. Wilder *et al. vs.* Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of Louisiana, and the final judgment or decree of the said court in said cause.

Replying, we beg to say that the Drainage Commission will join the Board of Liquidation as a plaintiff in error in said cause, but prefer to make its application for a writ of error by its own petition and obtain a separate writ in its own name, for this reason: We decline a literal compliance with your request to join the board of

liquidation in the writ of error which it proposes to obtain in said cause.

Respectfully,

(Signed) WM. WIRT HOWE,
" W. B. SPENCER,
CHAS. P. COCKE,
Att'ys Drainage Commission of N. O.

191 Personally appeared Branch K. Miller, who, being duly sworn, deposes and says:

That he is the regularly retained attorney of the Board of Liquidation of the City Debt and as such attorney he represents the said board as a defendant in the suit of State *ex rel.* Miss L. B. Wilder *et al. vs.* The Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of the State of Louisiana.

That on behalf of the said Board of Liquidation of the City Debt he addressed the president of the drainage commission a notice that the said Board of Liquidation of the City Debt would petition the chief justice of the supreme court of the State of Louisiana for the allowance of a writ of error in the case of State *ex rel.* Miss L. B. Wilder *et al. vs.* Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of the State of Louisiana, and the request that said drainage commission join in said writ of error and the petition for the same; that he, affiant, personally delivered the said notice and request to R. M. Walmsley, Esquire, president of the drainage commission, on this the fifth day of July, 1899, a true copy of which notice and request is attached to this affidavit as a part hereof.

That in reply to the same he received the letter of Messrs. William W. Howe, Walker B. Spencer, and Charles P. Cocke, attorneys for the said drainage commission, a true copy of which letter is attached to this affidavit as a part hereof.

(Signed) BRANCH K. MILLER.

Sworn to and subscribed before me this the fifth day of July, 1899.

(Signed) J. C. HENRIQUES,
[SEAL.] *Notary Public.*

192 *Petition of Board of Liquidation for Writ of Error.*

Supreme Court of the State of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT; DRAINAGE COMMISSION of New Orleans, Intervenor. } No. 13034.

To the honorable the chief justice of the supreme court of Louisiana:

The petition of The Board of Liquidation of the City Debt, defendant in the above entitled and numbered suit, respectfully shows:

That in the above entitled and numbered suit there was drawn in question the validity of article 317 of the present constitution of the State of Louisiana, adopted in the year 1898, as being repugnant to the Constitution of the United States, particularly to section 10 of article 1 and the fourteenth amendment thereof, for the reason that said article 317 impaired the obligation of certain contracts and deprived certain persons of their property without due process of law; that the decision, final judgment, and decree of this court was in favor of the validity of the said article 317.

That on the 1st day of May, 1899, this court entered judgment herein in favor of relators and against this defendant, notwithstanding its pleas and defenses that said article 317 of the constitution of the State of Louisiana adopted in 1898 was violative of the Constitution of the United States, particularly of section 10 of article 1 and the fourteenth amendment thereof.

That on the 30th day of June, 1899, this court refused to grant a rehearing of this cause upon the petition of this defendant, setting forth the various grounds therefor.

That in said decision, final judgment, and decree, and the proceedings had in this court prior thereto, certain errors were
193 committed, to the prejudice of this defendant, all of which will more in detail appear from the assignment of errors which is filed with this petition.

That petitioner desires by writ of error to remove this cause to the Supreme Court of the United States, there to be reviewed, and the correctness of the said decision, final judgment or decree, and the proceedings had prior thereto be determined.

Petitioner further shows that it has notified The Drainage Commission of the City of New Orleans, intervenor herein, to appear and join in this petition and the writ of error which it seeks to obtain, and that said Drainage Commission, in answer to said notice, has declared its purpose to join defendant as a plaintiff in error herein, but, instead of joining in the writ which defendant seeks to obtain, prefers to obtain a writ of error upon its own petition and in its own name as a plaintiff in error.

All as will more fully appear by true copies of the said notice given by defendant, the reply thereto of the said drainage commission, and the affidavit of Branch K. Miller, Esquire, attorney for this defendant, showing the service of said notice, and the receipt of the reply thereto, hereto attached as a part hereof.

Wherefore defendant prays that a writ of error may issue in its behalf to the supreme court of the State of Louisiana for the correction of errors so complained of, and that a transcript of the record, proceedings, and papers in this cause, duly authenticated, may be sent to the said Supreme Court of the United States.

(Signed) BRANCH K. MILLER,
Attorney for Petitioner.

JULY 6TH, 1899.

I decline to issue or have issued the writ applied for, for the reason that in my opinion no Federal question is involved.

(Signed) FRANCIS T. NICHOLLS,
Chief Justice.

194 Supreme Court of the State of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT; DRAINAGE Commission of New Orleans, Intervenor. } No. 13034.

On this the — day of July, 1899, came the plaintiff, by its attorney, and filed herein and presented to the court its petition praying for the allowance of a writ of error to operate as a supersedeas, intended to be urged by it, praying also that a transcript of the record and proceedings and papers upon which the final judgment or decree herein was rendered, duly authenticated, may be sent to the Supreme Court of the United States, and that such other and further proceedings may be had as may appear in the premises; on consideration whereof the said writ of error is allowed upon the defendant giving bond according to law in the sum of —, which shall operate as a supersedeas bond; and it is further ordered, pending said writ of error, that all further proceedings in this cause in this court and in the civil district court for the parish of Orleans be stayed and suspended until the final determination of said writ of error by the Supreme Court of the United States.

(Endorsed:) No. 13034. Supreme court of the State of Louisiana. State *ex rel.* Miss L. B. Wilder *et al. vs.* Board of Liquidation of the City Debt; Drainage Commission of New Orleans, intervenor. Petition. Filed July 5, 1899. (Signed) T. McC. Hyman, clerk.

Assignment of Errors.

Supreme Court of the State of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT; DRAINAGE Commission of New Orleans, Intervenor. } No. 13034.

195 The defendant in this cause, in connection with its petition for a writ of error, makes the following assignment of errors, which it avers are contained in the decision, judgment, or decree of the supreme court of the State of Louisiana:

First. That by section 1 of the amendment to the constitution of the State of Louisiana proposed by act 110 of the General Assembly of said State, which proposal was approved July 8th, 1890, and which said amendment was adopted by a majority vote of the qualified electors of said State at the general election therein, held in

April, 1892, it is provided that the four per cent. constitutional bonds of the city of New Orleans thereby authorized shall be for the purpose of retiring the then outstanding valid bonds of the city of New Orleans and to retire judgments then or thereafter rendered against the said city on floating-debt claims prior to 1879 entitled to be funded under act No. 67 of the General Assembly of the State of Louisiana of 1884; that by section 3 of act No. 36 of the General Assembly of 1890, otherwise known as act No. 110 of that year, it is and was provided that all funds received by The Board of Liquidation of the City Debt, defendant herein, shall be deposited with the fiscal agent of the city of New Orleans, or, if the same be deemed not satisfactory by the said board, with a chartered depositary selected by the same, to the credit of a special fund, called the "bond-sales fund," which fund by said section it is declared shall be used solely and exclusively for the purpose of retiring by payment all of the then outstanding valid bonds of the city of New Orleans matured or subject to call, and the payment of judgment then or thereafter rendered on floating-debt claims prior to 1879 entitled to be funded under act No. 67 of 1884.

That the purposes for which said bonds were authorized
196 by said amendment are exclusive of all others, and there is no authority in law for their issuance for any other purpose or purposes than those named in the said amendment; that by the terms of section 3 of said act 36 (or 110) of 1890 the proceeds of the sale of any of said four per cent. constitutional bonds are set apart and dedicated solely and exclusively to the purposes therein named.

That article 317 of the constitution of the State of Louisiana adopted in 1898, which directs the board of liquidation to sell a sufficient number of said constitutional bonds to pay certain obligations of the board of school directors of the public schools of the parish of Orleans for unpaid salaries of school teachers, portresses, and all other legitimate claims against said school board for the years 1882, 1883, 1884, 1885, 1886, and 1887, under the conditions named in article 316 of the said constitution of the State of Louisiana, so far as the same might be assumed by the city of New Orleans, after its examination of said claims, as directed by said article, directs the issuance and sale of said constitutional bonds for purposes not designated by said constitutional amendment and by said act No. 36 (or 110) of 1890, by reason of which it is an impairment of the contracts and the rights therefrom arising, created by the said constitutional amendment and the said act.

That the contracts so violated are those in favor of the holders of all outstanding premium bonds issued by the city of New Orleans, all constitutional bonds issued or to be lawfully issued under the authority of the said amendment and the said act; those of all contractors who, up to the time the said constitution of 1898 went into effect, to wit, May 12th, 1898, had constructed works of permanent public improvement under contracts with the city of New Orleans, payable out of the surplus of the one per cent. tax authorized by the said amendment and the said act, which
197 said surplus was established and fully described in sections 8 and 10 of said act; all contracts made by the drainage

commission for drainage works, and all bonds issued by it under the acts of the General Assembly of the State of Louisiana No. 114 of 1896 and No. 63 of 1898, which, by the last-mentioned acts, are payable out of the permanent public improvement fund, composed of one-half of the said surplus of the said one per cent. tax, established and described by sections 8 and 10 of the said act No. 36 (or 110) of 1890, which said fund, by said acts No. 114 of 1896 and No. 63 of 1898, is specially set apart and dedicated for the payment and discharge of all said contracts made and of all said bonds issued by the said drainage commission.

That said acts further provide that all provisions respecting the dedication and application of funds or moneys shall constitute a contract with the holder or holders of said bonds and with each and every person or corporation which may have entered into contracts with the said drainage commission, and expressly forbid any impairment of the same.

That the judgment or decree of the supreme court of the State of Louisiana which directs the execution by this defendant of said article 317 of the constitution of the State of Louisiana of 1898 by a sale of a sufficient number of said four per cent. constitutional bonds to pay and retire the obligations of the board of school directors for the parish of Orleans which have been approved and assumed by the city of New Orleans under article 315 of said constitution impairs the obligations of the contracts created by said acts No. 36 (or 110) of 1890, No. 114 of 1896, and No. 63 of 1898, and that the said article No. 317 of the said constitution of itself, as well as interpreted by the supreme court of the State of Louisiana, and as the said court by its final judgment or decree herein has directed its execution and enforcemten, is an impairment of the obligations
198 of said contracts and deprives all persons holding rights under the same of their property without due process of law, all in violation of section 10 of article 1 and the fourteenth amendment of the Constitution of the United States.

Second. That by the terms of the said constitutional amendment and the said act No. 36 (or 110) of 1890 the payment of the yearly allotments and premiums of the premium bonds of the city of New Orleans and all charges and expenses for the carrying of the premium-bond plan of the city of New Orleans are to be paid out of the one per cent. tax authorized by the said constitutional amendment and levied by the said act, and no person has any right to participate in nor can any bond or contract be made payable out of the said one per cent. tax or any part thereof, save those expressly mentioned and so permitted by the said constitutional amendment and the said act, and it is the contract right of any person so entitled to receive any portion of said one per cent. tax to exclude from participation therein any person or contract not so permitted or entitled under the terms of said constitutional amendment and said act; that article 317 of the constitution of the State of Louisiana adopted in 1898 and the effect given same by the final judgment and decree of the supreme court of the State of Louisiana in this cause necessarily impairs the obligation of the contract with all

holders of premium bonds created and evidenced by said constitutional amendment and said act by fixing as a charge upon the said one per cent. tax the principal of and interest upon the four per cent. constitutional bonds, which this defendant is directed to issue and sell by said article 317, and also necessarily deprives all holders of said premium bonds of their property without due process of law, all in violation of section 10 of article 1 and the fourteenth amendment to the Constitution of the United States.

199 Third. That by the terms of the said constitutional amendment and the said act No. 36 (or 110) of the General Assembly of the State of Louisiana of 1890 there is no warrant or authority of law to issue and sell four per cent. constitutional bonds of the city of New Orleans for any purposes other than those set out and enumerated in the same, to wit, to pay and retire all the then outstanding valid bonds of the city of New Orleans matured, maturing, or subject to call; to pay judgments rendered against the city of New Orleans for floating-debt claims arising prior to 1879, entitled to be funded under act No. 67 of 1884; that it is the contract right of all holders of said constitutional bonds under said constitutional amendment and said act No. 36 (or 110) of 1890 to prevent the issuance and sale of said constitutional bonds for any purpose not mentioned in said constitutional amendment, and likewise to prevent any act or proceeding by which the burdens on said one per cent. tax are to be increased or charges created against the same not mentioned or authorized by said constitutional amendment and said act.

That said article 317 of the constitution of the State of Louisiana of 1898 and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case is to impair the contracts in favor of all holders of said constitutional bonds created and evidenced by the said constitutional amendment and the said act.

Fourth. That all persons who made contracts with the city of New Orleans and executed the same for the construction of works of permanent public improvement the prices of which are payable out of the surplus of the one per cent. tax authorized by the said constitutional amendment and levied by said act No. 36 (or 110) of 1890, one-half of which surplus by sections 8 and 10 of said

200 act being specially dedicated to the payment and discharge of said contracts, are entitled to exclude from participation in any portion of said one per cent. tax any and all persons not entitled to participate therein by the said constitutional amendment and the said act, since any addition to the burden on said tax imposed by said amendment and said act will correspondingly diminish the surplus remaining after payment of the annual charges fixed thereon by said amendment and the said act, and thus impair the obligations of the said contracts; that said article 317 of the constitution of the State of Louisiana of 1898 and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case is to impair the contracts in favor of all holders and owners of said contracts.

Fifth. That the obligations of all contracts made by the drainage commission and all bonds issued by it and sold under the aforesaid acts of 1896 and 1898, which are payable out of the permanent public improvement fund, composed of one-half of the surplus described in paragraph 4 in this assignment, are in like manner impaired by said article 317 of the State constitution of 1898, and the effect given to it by the final judgment or decree in this case, the impairment of such obligations being the same in all particulars as that set up in paragraph 4 of this assignment, as concerns all contracts for permanent public improvements made with the city of New Orleans and payable out of the surplus of the said one per cent. tax established and described in sections 8 and 10 of said act No. 36 (or 110) of 1890, the addition of the charge for principal and interest on the constitutional bonds which are directed to be sold by said article 317 of the constitution of the State of Louisiana of 1898 effecting a diminution of the said surplus out of which it is the sole and exclusive right of contractors with the said drainage commission and the holders of its bonds to be paid.

201 That said article 317 of said constitution, and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case, is an impairment of the obligations of the contracts of said contractors and the holders of said bonds of the said drainage commission.

That said article 317 of the constitution of the State of Louisiana of 1898, and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this cause, impairs the obligation of all of the bonds and contracts heretofore set out, mentioned, and described, and deprives the holders and owners thereof of their property without due process of law, in violation of section 10, article 1, and the fourteenth amendment of the Constitution of the United States.

The supreme court of the State of Louisiana erred in giving such effect or any effect at all to said article 317; and it further erred in not rejecting the demand of the relators and dismissing their suit on these grounds: that the errors in the said final judgment and decree and the proceedings anterior thereto are those specially set out and enumerated above, and they entitled defendant to a reversal of said final judgment or decree of the supreme court of the State of Louisiana, and the rejection by this court of relator's demand.

Wherefore this defendant and plaintiff in error prays that the judgment of the said supreme court of the State of Louisiana be reversed, and such directions be given that full force and efficacy may inure to defendant by reason of the defenses set up in its answer filed in the said cause.

(Signed) BRANCH K. MILLER,
Attorney for Board of Liquidation of the City Debt, Defendant.

(Endorsed:) No. 13034. Supreme court of the State of
202 Louisiana. State *ex rel.* Miss L. B. Wilder *et al. vs.* Board of Liquidation of the City Debt; Drainage Commission of New Orleans, intervenor. Assignment of errors. Filed July 5, 1899. (Signed) T. McC. Hyman, clerk.

Petition for Writ of Error.

NEW ORLEANS, *July 5th*, 1899.

R. M. Walmsley, Esquire, president Drainage Commission of New Orleans, New Orleans, La.

DEAR SIR: I hereby give you notice that The Board of Liquidation of the City Debt, defendant in State *ex rel.* Miss L. B. Wilder *et al. vs.* The Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of Louisiana will on this day present to the chief justice of the supreme court of the State of Louisiana a petition for a writ of error to remove the said cause to the Supreme Court of the United States, to the end that the judgment or decree of the said court may be reviewed by the Supreme Court of the United States.

The Drainage Commission is a party to the said suit by intervention. I send this to request that you join in said writ of error, and beg to ask that you please notify me whether or not the Drainage Commission will so join in said writ.

Yours very respectfully,

BRANCH K. MILLER,
Attorney for the Board of Liquidation of the City Debt.

203 NEW ORLEANS, *July 5*, 1899.

Branch K. Miller, Esquire, attorney for the Board of Liquidation of the City Debt, New Orleans, La.

DEAR SIR: Mr. R. M. Walmsley, president of the drainage commission, has referred to us for answer your communication of this day, requesting that the Drainage Commission join the Board of Liquidation in a writ of error and the petition therefor to remove to the Supreme Court of the United States for review the case of State *ex rel.* Miss L. B. Wilder *et al. vs.* The Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of the State of Louisiana, and the final judgment or decree of the said court in said cause.

Replying, we beg to say that the Drainage Commission will join the Board of Liquidation as a plaintiff in error in said cause, but prefer to make its application for a writ of error by its own petition and obtain a separate writ of error in its own name. For this reason we decline a literal compliance with your request to join the Board of Liquidation in the writ of error which it proposes to obtain in said cause.

Yours very truly,

WM. W. HOWE,
WALKER B. SPENCER,
CHAS. P. COCKE,
Attorneys Drainage Commission of New Orleans.

Personally appeared Branch K. Miller, who, being duly sworn, deposes and says:

That he is the regularly retained attorney of the Board of
204 Liquidation of the City Debt, and, as such attorney, he represents the said board as a defendant in the suit of State *ex rel.* Miss L. B. Wilder *et al. vs.* The Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of the State of Louisiana.

That, on behalf of the said board of liquidation, he addressed the president of the Drainage Commission of New Orleans a notice that the Board of Liquidation of the City Debt would petition the chief justice of the supreme court of the State of Louisiana for the allowance of a writ of error in the case of State *ex rel.* Miss L. B. Wilder *et al. vs.* The Board of Liquidation of the City Debt, Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the supreme court of the State of Louisiana, and the request that said Drainage Commission join in said writ of error and the petition for the same; that he, affiant, personally delivered the said notice and request to R. M. Walmsley, Esquire, president of the Drainage Commission of New Orleans, on this the 5th day of July, 1899, a true copy of which notice and request is attached to this affidavit as a part hereof.

That in reply to the same he received the letter of Messrs. Wm. W Howe, Walker B. Spencer, and Charles P. Cocke, attorneys for the said drainage commission, a true copy of which letter is attached to this affidavit as a part hereof.

(Signed) BRANCH K. MILLER.

Sworn to and subscribed before me this the 6th day of July, 1899.

[SEAL.] (Signed) H. J. CARTER,
United States Commissioner.

205 Supreme Court of the State of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT; DRAINAGE COMMISSION OF NEW ORLEANS, INTERVENOR. } No. 13034.

To the Honorable Edward Douglas White, associate justice of the Supreme Court of the United States:

The petition of The Board of Liquidation of the City Debt, defendant in the above entitled and numbered cause, respectfully shows:

That in the above entitled and numbered suit there was drawn in question the validity of article 317 of the present constitution of the State of Louisiana, adopted in the year 1898, as being repugnant to the Constitution of the United States, particularly to section 10 of article 1 and the fourteenth amendment thereof, for the reason that said article 317 impaired the obligation of certain contracts

and deprived the owners of their property without due process of law; that the decision, final judgment, and decree of this court was in favor of the validity of the said article 317.

That on the 1st day of May, 1899, the supreme court of the State of Louisiana entered judgment herein in favor of relators and against this defendant, notwithstanding its pleas and defenses that said article 317 of the constitution of the State of Louisiana, adopted in 1898, was violative of the Constitution of the United States, particularly of section 10 of article 1 and the fourteenth amendment thereof.

That on the 30th day of June, 1899, the said court refused to grant a rehearing in this cause upon the petition of this defendant, setting forth the various grounds therefor.

That in said decision, final judgment and decree, and the proceedings had prior thereto in said court certain errors were
206 committee to the prejudice of this defendant, all of which will more in detail appear from the assignment of errors which is filed or presented with this petition.

That petitioner desires, by writ of error, to remove this cause to the Supreme Court of the United States, there to be reviewed and the correctness of said decision, final judgment or decree, and the proceedings had prior thereto be determined.

Petitioner further shows that it has notified The Drainage Commission of the City of New Orleans, intervenor herein, to appear and join in this petition and the writ of error which it seeks to obtain, and that said Drainage Commission, in answer to said notice, has declared its purpose to join defendant as a plaintiff in error herein, but instead of joining in the writ which defendant seeks to obtain, prefers to obtain a writ of error upon its own petition and in its own name as a plaintiff in error.

All as will more fully appear by true copies of the said notice given by defendant, the reply thereto of the said drainage commission, and the affidavit of Branch K. Miller, Esquire, attorney for this defendant, showing the service of said notice and the receipt of the reply thereto, hereto attached as a part hereof.

Wherefore defendant prays that a writ of error may issue in its behalf to the supreme court of the State of Louisiana for the correction of errors so complained of, and that a transcript of the record, proceedings, and papers in this cause, duly authenticated, may be sent to the said Supreme Court of the United States.

(Signed) BRANCH K. MILLER,
Attorney for Petitioner.

Supreme Court of the State of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT; DRAINAGE COMMISSION of New Orleans, Intervenor. } No. 13034.

207 On this the 15th day of July, 1899, came the plaintiff, by its attorney, and filed herein and presented to the court its

petition praying for the allowance of a writ of error, to operate as a supersedeas, intended to be urged by it, praying also that a transcript of the record and proceedings and papers upon which the final judgment or decree herein was rendered, duly authenticated, may be sent to the Supreme Court of the United States, and that such other and further proceedings may be had as may appear in the premises; on consideration whereof the said writ of error is allowed upon the defendant giving bond according to law in the sum of —, which shall operate as a supersedeas bond; and for further order pending said writ of error, that all further proceedings in this cause in this court and in the civil district court for the parish of Orleans or any division thereof be stayed and suspended until the final determination of said writ of error by the Supreme Court of the United States.

Writ of error allowed to operate as a supersedeas on the plaintiff in error furnishing a bond to be by me approved in the sum of one hundred and twenty thousand dollars.

Narragansett Pier, July 15, 1899.

(Signed) E. D. WHITE,
Associate Justice.

(Endorsed:) No. 13034. Supreme court of the State of Louisiana. State *ex rel.* Miss L. B. Wilder *et al. vs.* Board of Liquidation of the City Debt; Drainage Commission of New Orleans, intervenor. Petition for writ of error. Filed July 14, 1899. (Signed) T. McC. Hyman, clerk.

208 *Writ of Error.*

UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the supreme court of the State of Louisiana, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court of the State of Louisiana, before you or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between The State of Louisiana upon the relation of Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dwyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Amentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. McLoughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks,

Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabelle Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabelle Levy, Mrs. M. E. McDonald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliefero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Neslin, Mrs. Annie Macken, Miss I. B. Grant, Miss
E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey,
209 Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclaire, Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt, Miss T. S. Sissa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Miss K. C. M'Cann, Miss M. McCord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevallie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolon, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Annie Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. McCerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen McCarthy, Miss Mary McCann, Miss M. A. Ferguson, Miss Marie L. Point, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane McAnulty, Miss Marie Peres, Miss Honora Brown, Miss A. F. Duval, Miss Mary L. Barrett,
Mr. W. J. Graham, Mrs. V. Ducatel, Miss Emily Wagner, Miss
210 Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison,

Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. M. McCarthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary McElligott, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donnelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kleinpeter, Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Mrs. N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss
211 Mary J. Dowty, Miss Margaret Horen, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgie Hodgins, Miss E. Wilbur, Miss S. S. McEnery, Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Portuer, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E E. Vigers, Miss Amelia Chiappella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Ohlsen, Miss Ada V. Rosseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C.

Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schreiver, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isabel Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss G. G. McManus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary

212 A. Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelley, Miss Mathilda Reuter, Miss N. B. Harthorne, Mrs. J. R. Dicks, Miss Lizzie Kelley, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Caolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eagleson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, Ida Helberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulevy, A. Michal, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Miss Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Vernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevoileau, E. Chineau, M. Caruthers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, J. Kinney, G. H. Kelley, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffat, E. M'Cabe, M. M'Cormick, E. M'Ginnis, B. M'Keone, E. Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. J. Shea, M. White, J. C. Watkins, A. Wilcox, A. Waters, which said parties were relators in the said supreme court of the State of Louisiana and are defendants in error in this writ, and The Board of Liquidation of the City Debt, which was defendant in the said

213 supreme court in the State of Louisiana and is plaintiff in error in this writ, the drainage commission being an intervenor in said supreme court of the State of Louisiana,

wherein was drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision was against their validity, or wherein was drawn in question the validity of a statute of or an authority exercised under said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the construction of the clause of the Constitution or of a treaty or statute of or commission held under the United States and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Board of Liquidation of the City Debt, defendant in said supreme court of the State of Louisiana and plaintiff in error in this writ, as by its complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same in Washington within 30 days from the date hereof, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and *and* according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of
214 the said Supreme Court, the 10th day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

(Signed) E. R. HUNT,
Clerk of the Circuit Court of the United States for the Eastern District of Louisiana.

Allowed by—
——.

Endorsed: No. 13034. Supreme court of Louisiana. Board of Liquidation of City Debt *et al. versus* State *ex rel.* Miss L. B. Wilder *et als.* (Writ of error.)

Copy of a writ of error lodged in the clerk's office of the supreme court of the State of Louisiana, in pursuance of the statute in such cases made and provided, this fourteenth day of July, one thousand eight hundred and ninety-nine.

(Signed) BRANCH K. MILLER,
Attorney of Plaintiff in Error.

Filed July 14, 1899.
(Signed) T. McC. HYMAN, *Clerk.*

Petition for Writ of Error and Assignment of Errors of Drainage Commission of New Orleans.

Supreme Court of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET ALS.
vs.
BOARD OF LIQUIDATION OF CITY DEBT; THE DRAINAGE COMMISSION OF NEW ORLEANS, Intervenor. } No. 13064.

To the honorable the chief justice of the supreme court of Louisiana:

The petition of The Drainage Commission of New Orleans, intervenor in the above entitled and numbered cause, with respect represents:

That in the records and proceedings and also in the re-
215 dition of the final decree in this cause by the honorable the supreme court of Louisiana there was drawn in question the validity of a statute of the State of Louisiana, to wit, articles 315, 316, and 317 of the constitution of the State of Louisiana of the year 1898, on the ground of its being repugnant to and in contravention of the Constitution of the United States, and especially repugnant to and in contravention of section 10 of article 1st and of the 14th article of amendment of the Constitution of the United States.

There was also drawn in question said section 10 of article 1st and the 14th article of amendment of the Constitution of the United States, and the decree of the supreme court of Louisiana was against the rights, titles, privileges, and immunities specially set up and claimed by the drainage commission of New Orleans under said article of the Constitution of the United States.

That said judgment and decree of the supreme court of Louisiana is now final, and said court is the highest court of law and equity of said State in which a decision of this cause could be had.

That petitioner is advised, informed, and believes that there is error to its prejudice in said final judgment and decree rendered against it as aforesaid, and that petitioner has a right and desires to have said cause removed by writ of error to the Supreme Court of the United States.

That petitioner has been notified by the board of liquidation of city debt that it intends to remove said cause by writ of error to the Supreme Court of the United States, and has called upon this petitioner to signify whether it will join as plaintiff in error therein, and this petitioner has notified said board that it desires to join as plaintiff in error upon its own writ of error.

Wherefore petitioner prays that the writ of error herewith
216 presented may be allowed and the bond herewith presented approved, and that a citation issue to the plaintiffs and to each of them in this cause, duly signed in accordance with acts of Congress, and for all general relief.

(Signed) W. W. HOWE, *Att'y.*

I decline to have the writ issued for the reason that in my opinion no Federal question is involved.

July 6th, 1899.

(Signed) FRANCIS T. NICHOLLS,
Chief Justice.

Writ of error allowed, returnable according to law, upon furnishing bond, conditioned according to law, in the sum of five hundred dollars.

July 15th, 1899.

(Signed) E. D. WHITE,
Associate Justice.

Assignment of Errors.

Supreme Court of the State of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT; DRAINAGE COMMISSION of New Orleans, Intervenor. } No. 13034.

The Drainage Commission of New Orleans, intervenor in this cause, in connection with its petition for a writ of error, makes the following assignment of error-, which it avers are contained in the decision, judgment, or decree of the supreme court of the State of Louisiana:

217 First. That by section 1 of the amendment to the constitution of the State of Louisiana proposed by act 110 of the General Assembly of said State, which proposal was approved July 8th, 1890, and which said amendment was adopted by a majority vote of the qualified electors of said State at the general election thereon, held in April, 1892, it is provided that the 4 per cent. constitutional bonds of the city of New Orleans thereby authorized shall be for the purpose of retiring the then valid outstanding bonds of the city of New Orleans and to retire judgments then or thereafter rendered against the said city on floating-debt claims prior to 1879 entitled to be funded under act 67 of the General Assembly of the State of Louisiana of 1884; that by section 3 of act 36 of the General Assembly of 1890, otherwise known as act 110 of that year, it was provided that all funds received by The Board of Liquidation of the City Debt, defendant herein, shall be deposited with the fiscal agent of the city of New Orleans or, if the same be deemed not satisfactory by the said board, with a chartered depository selected by the same to the credit of a special fund called the "bond-sales" fund, which fund by said section it is declared shall be used solely and exclusively for the purpose of retiring by payment all of the then valid outstanding bonds of the city of New Orleans matured or subject to call and the payments of judgments then or thereafter rendered on floating-debt claims prior to 1879 entitled to be funded under act 67 of 1884.

That the purpose- for which said bonds were authorized by said

amendment are exclusive of all others, and there is no authority in law for their issuance for any other purpose or purposes than those named in the said amendment; that by the terms of section 3 of said act 36 (or 110) of 1890 the proceeds of the sale of any of said 4 per cent. constitutional bonds are set apart and dedicated solely and exclusively to the purposes therein named.

218 That article 317 of the constitution of the State of Louisiana adopted in 1898, which directs the board of liquidation to sell a sufficient number of said constitutional bonds to pay certain obligations of the board of school directors of the public schools of the parish of Orleans for unpaid salaries of school teachers, portresses, and all other legitimate claims against said school board for the years 1882, 1883, 1884, 1885, 1886, and 1887, under the conditions named in article 315 of the said constitution of the State of Louisiana, so far as the same might be assumed by the city of New Orleans, after its examination of said claims, as directed by said article, directs the issuance and sale of said constitutional bonds for purposes not designated by said constitutional amendment and by said act 36 (or 110) of 1890, by reason of which it is an impairment of the contracts and the rights therefrom arising by the said constitutional amendment and the said act.

That the contracts so violated are those in favor of the holders of all outstanding premium bonds issued by the city of New Orleans; all constitutional bonds issued or to be lawfully issued under the authority of said amendment and the said act; those of all contractors who, up to the time the said constitution of 1898 went into effect, to wit, May 12, 1898, had constructed work of permanent public improvement, under contracts with the city of New Orleans, payable out of the surplus of the one per cent. tax authorized by the said amendment and the said act, which said surplus was established and fully described in section- 8 and 10 of said act, and especially all contracts made by the drainage commission for drainage works, and all bonds issued by it under the acts of the General Assembly of the State of Louisiana No. 114 of 1896 and No. 63 of 1898, which by the last-mentioned acts are payable out of the "permanent public improvement fund," composed of one-half of

219 the said surplus of the said one per cent tax established and described by sections 8 and 10 of the said act No. 36 (or 110) of 1890; which said fund, by said acts No. 114 of 1896 and No. 63 of 1898, is especially set apart and dedicated for the payment and discharge of all said contracts made and of all said bonds issued by the said drainage commission.

That said acts further provide that all provisions respecting the dedication and application of funds or monies shall constitute a contract with the holder or holders of said bonds and with each and every person or corporation which may have entered into contract with the said drainage commission, and expressly forbids any impairment of the same.

That the judgment or decree of the supreme court of the State of Louisiana which directs the execution by the board of liquidation of said article 317 of the constitution of the State of

Louisiana of 1898, by the sale of a sufficient number of said four per cent. constitutional bonds to pay and retire the obligations of the board of school directors for the parish of Orleans, which have been approved and assumed by the city of New Orleans under article 315 of said constitution, impairs the obligations of the contracts created by said acts No. 36 (or 110) of 1890, No. 114 of 1896, and No. 63 of 1898, and that the said article No. 317 of the said constitution of itself, as well as interpreted by the supreme court of the State of Louisiana, and as the said court, by its final judgment or decree herein, has directed its enforcement, and enforcement, is an impairment of the obligations of said contracts, and deprives all persons holding rights under the same of their property without due process of law, all in violation of section 10 of article 1 and the fourteenth amendment of the Constitution of the United States.

Second. That all persons who made contracts with the Drainage Commission of New Orleans and executed the same for the
220 construction of works of permanent public improvement, the prices of which are payable out of the surplus of the one per cent. tax authorized by the said constitutional amendment and levied by said act No. 36 (or 110) of 1890, one-half of which surplus by sections 8 and 10 of said act being specially dedicated to the payment and discharge of said contracts, are entitled to exclude from participation in any portion of said one per cent. tax any and all persons not entitled to participate therein by the said constitutional amendment and the said act, since any addition to the burden on said tax imposed by said amendment and said act will correspondingly diminish the surplus remaining after payment of the annual charges fixed thereon by said amendment and the said act, and thus impair the obligations of the said contract; that said article 317 of the constitution of the State of Louisiana of 1898, and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case, is to impair the said contracts.

Third. That the obligations of all contracts made by the drainage commission and all bonds issued by it and sold under the aforesaid acts of 1896 and 1898 which are payable out of the permanent public improvement fund, composed of one-half of the surplus described in this assignment, are in like manner impaired by said article 317 of the State constitution of 1898, and the effect given to it by the final judgment or decree in this case, the impairment of such obligations being the same in all particulars as that set up in this assignment, as concerns all contracts for permanent public improvements made with the city of New Orleans, and payable out of the surplus of the said one per cent. tax, established and described in section 8 and 10 of said act No. 36 (or 110) of 1890, the addition of the charge for principal and interest on the constitutional bonds which are directed to be sold by said article 317 of the con-
221 stitution of the State of Louisiana of 1898 affecting a diminution of the said surplus, out of which it is the sole and ex-

clusive right of contractors, with the said drainage commission and the holders of its bonds, to be paid.

That said article 317 of said constitution and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case is an impairment of the obligations of the contracts of said contractors and the holders of said bonds of the said drainage commission.

That said article 317 of the constitution of the State of Louisiana of 1898 and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case is to impair the contracts in favor of all holders of said constitutional bonds created and evidenced by the said constitutional amendment and the said acts.

Fourth. That said article 317 of the constitution of the State of Louisiana of 1898 and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this cause impairs the obligation of all the contracts and bonds heretofore set out, mentioned, and described, and deprives the holders and owners thereof of their property without due process of law; in violation of section 10, article 1, and the fourteenth amendment of the Constitution of the United States.

Fifth. The supreme court of the State of Louisiana erred in giving such effect or any effect at all to said article 317; and it further erred in not rejecting the demand of the relators and dismissing their suit on these grounds; that the errors in the said final judgment and decree and the proceedings anterior thereto are those specially set out and enumerated above, and they entitled defendant to a reversal of said final judgment or decree of the supreme
222 court of the State of Louisiana, and the rejection by this court of the relators' demand.

Wherefore, for these and other errors apparent on the face of the record, this intervenor and plaintiff in error prays that the judgment of the said supreme court of the State of Louisiana be reversed and such directions be given that full force and efficacy may inure to intervenor by reason of the premises set up in its intervention filed in the said cause.

(Signed) W. W. HOWE,
Att'y Dr. Commiss.

(Endorsed:) No. 13034. Supreme court of Louisiana. State *ex rel.* L. B. Wilder *et al. vs.* Board of Liquidation of City Debt. Petition and assignment of errors. Filed July 15, 1899. (Signed) T. McC. Hyman, clerk.

Copy of a Writ of Error.

UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the supreme court of Louisiana, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in said supreme court of the State

of Louisiana, before you or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche,
223 Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate S[illegible]ck, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabelle Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabel Levy, Mrs. M. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliafero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Lebatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevalle, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neil, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss
M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry
224 Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolan, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf,

Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Honora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss
225 Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M. Elligott, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donnelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kleinpeter (or Kelinpeter), Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss M. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horan, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, L. E. Stirling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss

Etna Portner, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella,
Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel,
226 Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier,
Miss Mathilde Ohsen, Miss Ada V. Rosseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schriever, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Pres, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isable Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelly, Miss Mathilde Reuter, Miss N. B. Hawthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eaglesson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, M. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy,
J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stick-
227 ney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence,
Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M

Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, J. Kinney, G. H. Kelly, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffatt, E. M'Cabe, M. M'Cormack, E. M'Ginnis, B. McKeone, E. Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, A. Waters, are plaintiffs and relators, and The Board of Liquidation of City Debt is defendant, and Drainage Commission of New Orleans is intervenor, wherein was drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision was against their validity, or wherein was drawn in question the validity of a statute of or an authority exercised under said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the construction of the clause of the Constitution or of a treaty or statute of or commission held under the United States and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Drainage Commission of New Orleans, intervenor in said suit, as by its complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under
228 your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, within 30 days from the date hereof, in the said Supreme Court, to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the said Supreme Court, the 10th day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

[SEAL.] (Signed) E. R. HUNT,
Clerk of the Circuit Court of the United States for the Eastern District of Louisiana.

Allowed by—
(Signed) E. D. WHITE,
Associate Justice, Supreme Court of the United States.

Endorsed: No. 13034. State *ex rel.* L. B. Wilder *et als. versus* Board of Liquidation of City Debt. Copy of a writ of error lodged in the clerk's office of the supreme court of the State of Louisiana.

in pursuance of the statute in such cases made and provided, this 15th day of July, one thousand eight hundred and ninety-nine. (Signed) Howe, Spencer & Cocke, attorney- of plaintiff in error. Filed July 15, 1899. (Signed) T. McC. Hyman, clerk.

229 *Bond for Writ of Error of Drainage Commission.*

Know all men by these presents that we, Drainage Commission of New Orleans, as principal, and Rob't M. Walmsley, as surety, are held and firmly bound unto Miss Lucretia B. Wilder and other parties below named in the full and just sum of five hundred dollars, to be paid to the said Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harbly, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabel Levy, Mrs. M. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliafero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss M. H. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll,
Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie
230 Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berbel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmonds, Miss E. B. Egleston, Miss R. M. Chevallie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neil, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K.

Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolon, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolan, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Honora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leone Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dyke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell,
231 Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Pamela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligot, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donnelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kleinpeter (or Kelinpeter), Miss Agatha Meehan, Miss

Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horan, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, Miss L. E. Stirling, Miss M. E. Sommer-
232 ville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cocke, Mrs. Cora P. Beecher, Miss Etna Porter, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilde Ohlsen, Miss Ada V. Rousseau, Mr. S. C. Clarke, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schriever, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isabel Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. McManus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelly, Miss Mathilda Reuter, Miss N. B. Hawthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, O. Black, Mathilda Bernard, M. Buil, J. Brown, O. Brennan, A. Cornwell, E. Carolan, R. C. Chamberlain, M. M. Campa-
233 nel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eaglesson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halleran, Irene Hester, Louise Hornbeck, Ida Halbecg, E. Hamilton, A. Harper, G. M. Holland, N. Houlgrave, M. Harrison, M. O. Holmes, B. Harthorne, Daisy Jackson, N. James, I. B. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel,

L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. N. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Schoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Doyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burke, D. Cosgrove, M. Collins, C. Cure, E. Cronan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, H. Hausman, B. Heavy, J. Jacquet, G. Killelae, J. Kinney, G. H. Kelly, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffatt, E. McCabe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, N. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, and A. Waters, plaintiffs and relators, their certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, jointly and severally, by these presents.

Sealed with our seals and dated this fifth day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

Whereas lately, at a term of the supreme court of Louisiana, in a suit depending in said supreme court, wherein Miss Lu-
234 cretia B. Wilder and others are plaintiffs and Board of Liquidation of City Debt was defendant and Drainage Commission of New Orleans was intervenor, judgment was rendered against Drainage Commission of New Orleans, intervenor, and the said Drainage Commission of New Orleans having obtained a writ of error and filed a copy thereof in the clerk's office of the said supreme court of Louisiana to reverse the judgment in the aforesaid suit, and a citation directed to the said Miss Lucretia B. Wilder and the other relators set forth above, citing and admonishing them to be and appear at the Supreme Court of the United States, to be holden at Washington, thirty days from the date thereof:

Now, the condition of the above obligation is such that if the said Drainage Commission of New Orleans shall prosecute its writ to effect and answer all damages and cost if it fail to make its plea good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) DRAINAGE COMMISSION OF NEW ORLEANS, [L. S.]
By R. M. WALMSLEY, *President.* [L. S.]
R. M. WALMSLEY. [L. S.]

Sealed and delivered in the presence of—
(Signed) A. SCHREIBER.
" W. B. SPENCER.

Approved July 10th, 1899.
(Signed) E. D. WHITE,
Associate Justice of the Supreme Court of the United States.

235 UNITED STATES OF AMERICA, } ss:
State of Louisiana. }

Personally appeared Robert M. Walmsley, who, being duly sworn, deposes and says that he is the surety of the within bond; that he resides in the city of New Orleans, State of Louisiana, and is worth the full sum of five hundred dollars over and above all his debts and liabilities and property exempt from execution.

(Signed) R. M. WALMSLEY.

Subscribed and sworn before me this 5th day of July, 1899.

(Signed) E. P. COUSIN, [SEAL.]
Not. Public.

Endorsed: No. 13034. Supreme court of the State of Louisiana. Board of Liquidation City Debt *et al.*, plaintiffs in error, *vs.* State *ex rel.* Miss L. B. Wilder *et als.*, defendants in error. Bond for writ of error. Filed July 15th, 1899. (Signed) T. McC. Hyman, clerk.

236 *Bond for Writ of Error of Board of Liquidation.*

Know all men by these presents that we, The Board of Liquidation of the City Debt, as principal, and The American Surety Company of New York, as surety, are held and firmly bound unto Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss H. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louise Berthel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Issabella Simmons, Miss Charlotte Stewart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lamborne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabelle Levy, Mrs. N. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Talifero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Oilvie Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, *Miss* Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Cornwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. V. Sproule, Miss A. Paddon, Miss R. M. Woodley, Miss K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley,

Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Annie Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr.
237 A. P. Williams, Miss R. E. Campanel, Miss Amelia Berbel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevaillie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Miss H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolan, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheenan, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss S[illegible]lie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Henora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Graham, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andre, Mrs. M. A. Doricourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Annie Bell, Miss M. O. Carter, Miss
238 Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stephens, Miss H. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenzo Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delederdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheenan, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate

E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligot, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donolly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Goldan, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kelinpeter, Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Marguehoren, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. R. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connolly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. McEnery,
239 Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, *Miss* Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Portner, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lerenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Martin, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhell, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Olsen, Miss Ada V. Rosseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. S. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schreiver, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Annie Dyer, Miss Emma T. Rosner, Miss Isabelle Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss G. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss May Tallieu, Mrs. G. A. Anderson, Miss Isabelle Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelly, Miss Mathilda Reuter, Miss N. B. Harthorne,

Miss J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner,
240 Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick,
Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanal, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daighan, H. Diamond, E. B. Eagleson, Alica Ellis, Georgie Fountain, A. A Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halleran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulvey, A. Michel, V. Mayhen, B. Maher, M. D. Moore, M. Michel, Miss Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Payton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheenan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, A. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, C. Killelde, J. Kinney, G. H. Kelly, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffat, E. M'Cabbe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E. Nides, M. Martin, H. O'Connor, M. A. Pickett, E. Rhebacher, M. Reilly, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. J. Shea, M. White, J. C. Watkins, A. Wilcox, A. Waters, in the full and just sum of one hundred and twenty thousand dollars ($120,000.00), to be paid to the said Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman,
J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary
241 Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woodds, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stewart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabelle Levy, Mrs. M. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E.

Taliaferro, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Oilvia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M'Cord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. V. Eggleston, Miss R. M. Chevallie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens,
242 Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Mrs. M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolan, Miss Palmyre Cartier, Miss Aline Fabet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Metaxxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Henora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andre, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenzo Bertus, Miss Mary Gordon, Miss M. E. Anderson,

Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy,
243 Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. S. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rose Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligott, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maude O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kelinpeter, Miss Agatha Mechan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss V. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horan, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C Connelly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. B. Cooke, Mrs. Cora P. Beecher, Miss Etna Portner, Miss Sidonia Holmes, Mr. J. J. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie
244 Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Darnon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lerenan, Miss Ellen Hamilton, Miss C. A. Warner, Miss J. E. Martin, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Olsen, Miss Ada V. Russell, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. S. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan

Schriever, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isabelle Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clapp, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary A. Tallieu, Mrs. G. A. Anderson, Miss Isabelle Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelly, Miss Mathilda Reuter, Miss N. B. Harthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brenan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, M. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Aagleson, Alica Ellis,
245 Georgia Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, N. A. Michel, L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheean, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, J. Kinney, G. H. Kelly, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffatt, E. M'Cabe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E. Nides, M. Martin, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, and A. Waters, their certain attorneys, executors, administrators, and assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 10th day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

Whereas late-, at a supreme court of the State of Louisiana, in a suit depending in said court between the State of Louisiana on the relation of Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Sea-

man, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary
246 Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louis- Berthel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabelle Levy, Mrs. M. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliaferro, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Miss R. Sulakolski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclaire, Miss A. S. Miller, Miss Julia Donovan, Miss M. H. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Miss Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevallie,
247 Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Mrs. K. Divine, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolan, Miss Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Metaxxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller,

Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Honora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leone Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr Gustave Andry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F.
248 Stevens, Miss H. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenzo Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligott, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maude O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kelinpeter Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horan, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgie Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Portner, Miss Sidonia Holmes, Mr.
249 J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A.

Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Else Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Martin, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Ohlsen, Miss Ada V. Rosseau, Mr. S. S. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schreiver, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Mrs. Fannie I. Dart, Miss E. Gardenghi, Miss Annie Dyer, Miss Emma T. Rosner, Miss Isabelle Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary A. Tallieu, Mrs. G. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelly, Miss Mathilda Reuter, Miss N. B. Harthorne, Mrs. J. R. Dicks, Miss Lizzie Kelley, Miss Emily Oischner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Matilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, M. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan,
250 H. Diamond, E. B. Eagleson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Paton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheean, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevoileau, E. Chineau, M. Caruthers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M.

Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, G. H. Kelly, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffat, E. M'Cabe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E. Nides, M. Martin, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Schreiver, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, A. Waters, relators in said supreme court of the State of Louisiana and defendants in error in this court, and The Board of Liquidation of the City Debt, defendant in said supreme court of the State of Louisiana and plaintiff in error in this court, The Drainage Commission of New Orleans, intervenor, No. 13034 of the docket of the said supreme court of the State of Louisiana, a judgment was rendered against the said Board of Liquidation of the City Debt, and the said Board of Liquidation of the City Debt having obtained a writ of error and filed a copy thereof in the clerk's office of said court to reverse the judgment
251 in the aforesaid suit, and a citation directed to the said Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louise Bertel, Miss Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabella Levy, Mrs. M. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliafero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Odvia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. L. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss H. M Hewitt, Miss T. A. Sissa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Wash, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanell, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezen, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard,
252 Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M.

Chevallie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolan, Mrs. Palmire Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Eaves, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. E. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Henora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Audry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss

253 H. M. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Anna Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligott, Miss A. E. O'Brien, Miss Mary Moore, Miss M. D. Cooper, Miss Jane Donnelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E.

Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maude O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Miss M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kelinpete., Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Lewis Leche, Miss M. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horen, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgens, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cook, Mrs. Cora P. Beecher, Miss Etna Portner, Miss Cedonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie
254 Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornan, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Martin, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H Satfold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berbel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Ohlsen, Miss Ada V. Rosseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss M. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Mrs. E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Delacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schreiver, Miss Julia Clapp, Mr. T. L. Preston, Mrs. H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Annie Dyer, Miss Emma T. Rosner, Miss Isabel Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary A. Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelly, Miss Mathilda Reuter, Miss N. B. Hawthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eagleson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J.

Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloren, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, M. Houlgrave, M.
255 Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. E. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spelliey, J. Simon, M. Spelliey, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, N. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevalleau, E. Chineau, N. Caruthers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duighnan, H. Daly, M. Donelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Housman, B. Heavy, J. Jacquet, C. Killelee, J. Kinney, G. H. Kelly, M. Kelly, Mary Kelly M. Lane, M. Lardner, C. Moffat, E. M'Cabe, M. M'Cormack, E. Maginnis, B. M'Keone, E. Nides, M. Martin, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, and A. Waters, citing and admonishing them to be and appear at a session of the Supreme Court of the United States, to be held at the city of Washington, District of Columbia, on the second Monday of October next:

Now, the condition of the above obligation is such that if the said Board of Liquidation of the City Debt, defendant in said supreme court of the State of Louisiana and plaintiff in error in this court, shall prosecute the said writ of error to effect and answer all damage and costs if it fails to make the said plea good, then the above obligation to be void; else to remain in full force and virtue.

THE BOARD OF LIQUIDATION
OF THE CITY DEBT,
(Signed) By R. M. WALMSLEY, *Pres.*
[SEAL.] AMERICAN SURETY COMPANY
OF NEW YORK,
256 By DAVID B. SICKELS, *Vice President.*
SAMUEL S. PERRY, *Attorney.*

Sealed and delivered in the presence of—

——— ———.

The name "Robert M. Walmsley" (as surety) erased and the name "American Surety Company of New York" interlined in lieu thereof; also the words "twenty-five hundred dollars ($2,500.00)" erased and words "one hundred and twenty thousand dollars

($120,000.00)" interlined in lieu thereof; also all ink corrections and interlineations of names, all approved before signing.

(Signed) DAVID B. SICKELS.

(Signed) HOWARD ALLISON,
As to Surety Co.

61883. K. J. P.

$3 Stamp. $3 Documentary.	$1 Stamp. $1 Documentary.	50 Stamp. 50 Documentary.

The foregoing bond is approved, to operate as a supersedeas.

(Signed) E. D. WHITE,
Associate Justice, Supreme Court of the United States.

STATE AND COUNTY OF NEW YORK, *ss:*

On this 11th day of July, 1899, before me personally appeared David B. Sickels, vice-president of the American Surety Company of New York, to me known, who, being by me duly sworn, did depose and say that he resided in the city of New York; that
257 he is the vice-president of the American Surety Company of New York, the corporation described in and which executed the above instrument; that he knew the corporate seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order, and that the liabilities of said corporation do not exceed its assets, as ascertained in the manner provided by law; and the said David B. Sickels further said that he was appointed with Samuel S. Perry, and knew him to — one of the attorneys of said corporation; that the signature of said Samuel S. Perry subscribed to the said instrument is in the genuine handwriting of the said Samuel S. Perry and was thereto subscribed by the like order of the said board of directors and in the presence of him, the said David B. Sickels, vice-president.

(Signed) K. J. PEIRCY,
[SEAL.] *Notary Public, Kings Co.*

Certificate filed in New York, Queens, Richmond, Westchester, Dutchess, Putnam, Orange, Suffolk, Rockland, and Nassau Cos.

At a regular quarterly meeting of the board of trustees of the American Surety Company of New York, held on the 12th day of April, 1893, the following resolution was adopted:

"Resolved, That the president and vice-presidents be, and they hereby are, and each one of them is, authorized and empowered to execute and deliver and attach the seal of the company to any and all bonds and undertakings for or on behalf of the company in its business of guaranteeing the performance of contracts other than insurance policies and executing or guaranteeing bonds and under-

takings required or permitted in all actions or proceedings by law allowed, such guarantee bonds and undertakings, however,
258 to be attested in every instance by the secretary, one of the assistant secretaries, or one of the attorneys."

COUNTY OF NEW YORK, *ss:*

I, Samuel S. Perry, attorney of the American Surety Company of New York, have compared the foregoing resolution with original thereof, as recorded in the minute book of said company, and do certify that the same is a true and correct transcript therefrom and of the whole of said original resolution.

Given under my hand and the seal of the company, at the city of New York, this 11th day of July, 1899.

[SEAL.] (Signed) SAMUEL S. PERRY, *Attorney.*

STATE OF NEW YORK, *County of New York,* } *ss:*

David B. Sickels, being duly sworn, says that he is vice-president of the American Surety Company of New York; that said company is a corporation duly created, existing, and engaged in business as a surety company under and by virtue of the laws of the State of New York, and has duly complied with all the requirements of the laws of said State applicable to said company, and is duly qualified to act as surety under such laws; that said company has also duly complied with and is duly qualified to act as surety under the act of Congress of August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;" that the within is a true copy of the last statement of the assets and liabilities of said company, as rendered pursuant to section 4 of said act of Congress; that said American Surety Company is worth $240,000 over
259 and above all its debts and liabilities and such exemptions as may be allowed by law.

(Signed) DAVID B. SICKELS.

Subscribed and sworn before me this 11th day of July, 1899.

(Signed) K. J. PEIRCEY.
[SEAL.] *Notary Public, Kings Co.*

Certificate filed in New York, Queens, Richmond, Westchester, Dutchess, Putnam, Orange, Suffolk, Rockland, and Nassau Cos.

Endorsed: Form G, 362, 2100. 4, '99.

American Surety Company of New York,

Incorporated April 14, 1884.

General offices, 100 Broadway.

Financial Statement March 31, 1899.

Resources:		
Real estate and improvements	$3,213,930.66	
Stocks and bonds	953,626.60	
Bills receivable	158,280.12	
Cash in banks and offices	697,061.31	
Premiums in course of collection	182,270.38	
Accrued interest and rents	32,809 37	
		$5,237,978.44
Liabilities:		
Bills and accounts payable	$25,093.67	
Claims in process of adjustment	174,259.39	
Premium reserve requirement	632,429.53	
Undivided profits	906,195.85	
Surplus	1,000,000.00	
Capital stock	2,500,000.00	
		$5,237,978.44

260 (Endorsed:) No. 13034. Supreme court of Louisiana. State *ex rel.* Miss L. B. Wilder *et als. vs.* Board of Liquidation City Debt *et als.* Bond for writ of error. Filed July 17, 1899. (Signed) T. McC. Hyman, clerk.

261 *Assignment of Errors, Board of Liquidation.*

Supreme Court of the State of Louisiana.

STATE *ex Rel.* MISS L. B. WILDER ET AL.
vs.
BOARD OF LIQUIDATION OF THE CITY DEBT; *FRAINAGE* Commission of New Orleans, Intervenor. } No. 13034.

The defendant in this cause, in connection with its petition for a writ of error, makes the following assignment of errors, which it avers are contained in the decision, judgment, or decree of the supreme court of the State of Louisiana:

First. That by section 1 of the amendment to the constitution of the State of Louisiana proposed by act 110 of the General Assembly of said State, which proposal was approved July 6th, 1890, which said amendment was adopted by a majority vote of the qualified electors of said State at the general election held therein, held in April, 1892, it is provided that the four per cent. constitutional bonds of the city of New Orleans thereby authorized shall be for the purpose of retiring the then valid outstanding bonds of the city of New Orleans and to retire judgments then or thereafter rendered against the said city on floating-debt claims prior to 1879 entitled to be

funded under act No. 67 of the General Assembly of the State of Louisiana of 1884; that by section 3 of act No. 36 of the General Assembly of 1890, otherwise known as act No. 110 of that year, it was provided that all funds received by The Board of Liquidation of the City Debt, defendant herein, shall be deposited with the fiscal agent of the city of New Orleans, or, if the same be deemed not satisfactory by the said board, with a chartered depositary selected by the same to the credit of a special fund called the "bond-sales fund," which fund by said section, it is declared, shall be used solely and exclusively for the purpose of retiring by payment all of the then outstanding valid bonds of the city of New Orleans, matured or subject to call, and the payments of judgments then or thereafter rendered on floating-debt claims prior to 1879, entitled to be funded under act No. 67 of 1884.

That the purposes for which said bonds were authorized by said amendment are exclusive of all others, and there is no authority in law for their issuance for any other purpose or purposes than those named in the said amendment; that by the terms of section 3 of said act 36 (or 110) of 1890 the proceeds of the sale of any of said four per cent. constitutional bonds are set apart and dedicated solely and exclusively to the purposes therein named.

262 That article 317 of the constitution of the State of Louisiana adopted in 1898, which directs the board of liquidation to sell a sufficient number of said constitutional bonds to pay certain obligations of the board of school directors of the public schools of the parish of Orleans for unpaid salaries of school teachers, portresses, and all other legitimate claims against said school board for the years 1882, 1883, 1884, 1885, 1886, and 1887, under the conditions named in article 315 of the said constitution of the State of Louisiana, so far as the same might be assumed by the city of New Orleans, after its examination of said claims as directed by said article, directs the issuance and sale of said constitutional bonds for purposes not designated by said constitutional amendment and by said act No. 36 (or 110) of 1890, by reason of which it is an impairment of the contracts and the rights therefrom arising, created by the said constitutional amendment and the said act.

That the contracts so violated are those in favor of the holders of all outstanding premium bonds issued by the city of New Orleans; all constitutional bonds issued or to be lawfully issued under the authority of said amendment and the said act; those of all contractors who, up to the time the said constitution of 1898 went into effect, to wit, May 1st, 1898, had constructed works of permanent public improvement under contracts with the city of New Orleans, payable out of the surplus of the one per cent. tax authorized by the said amendment and the said act, which said surplus was established and is fully described in sections 8 and 10 of said act; all contracts made by the drainage commission for drainage works, and all bonds issued by it under the acts of the General Assembly of the State of Louisiana No. 114 of 1896 and No. 63 of 1898, which by the last-mentioned acts are payable out of the permanent public

improvement fund, composed of one-half of the said surplus
263 of the said one per cent. tax established and described by sections 8 and 10 of the said act No. 36 (or 110) of 1890, which said fund, by said acts No. 114 of 1896 and No. 63 of 1898, is specially set apart and dedicated for the payment and discharge of all said contracts made and of all said bonds issued by the said drainage commission.

That said acts further provide that all their provisions respecting the dedication and application of funds or moneys shall constitute a contract with the holder or holders of said bonds and with each and every person or corporation which may have entered into contracts with the said drainage commission, and expressly forbid any impairment of the same.

That the judgment or decree of the supreme court of the State of Louisiana which directs the execution by this defendant of said article 317 of the constitution of the State of Louisiana of 1898, by the sale of a sufficient number of said four per cent. constitutional bonds to pay and retire the obligations of the board of school directors for the parish of Orleans, which have been approved and assumed by the city of New Orleans under article 315 of said constitution, impairs the obligations of the contracts created by said acts No. 36 (or 110) of 1890, No. 114 of 1896, and No. 63 of 1898, and that the said article No. 317 of the said constitution, of itself and as interpreted by the supreme court of the State of Louisiana in this cause and as the said court by its final judgment or decree herein has directed its enforcement and *enforcement*, is an impairment of the obligations of said contracts and deprives all persons holding rights under the same of their property without due process of law, all in violation of section 10 of article 1 and the fourteenth amendment of the Constitution of the United States.

Second. That by the terms of the said constitutional amendment and the said act No. 36 (or 110) of 1890 the payment
264 of the yearly allotments and premiums of the premium bonds of the city of New Orleans and all charges and expenses for the carrying of the premium-bond plan of the city of New Orleans are to be paid out of the one per cent. tax authorized by the said constitutional amendment and levied by the said act; that no person has any right to participate in nor can any bond or contract be made payable out of the said one per cent. tax or any part thereof, save those expressly mentioned and so permitted by the said constitutional amendment and the said act, and it is the contract right of any person so entitled to receive any portion of said one per cent. tax to exclude from participation therein any person or contract not so permitted or entitled under the terms of said constitutional amendment and said act; that article 317 of the constitution of the State of Louisiana adopted in 1898, and the effect given same by the final judgment and decree of the supreme court of the State of Louisiana in this cause, necessarily impairs the obligation of the contract with all holders of premium bonds created and evidenced by said constitutional amendment and said act by fixing as a charge upon the said one per cent. tax the principal of

and interest upon the four per cent. constitutional bonds which this defendant is directed to issue and sell by said article 317, and also necessarily deprives all holders of said premium bonds of their property without due process of law, all in violation of section 10 of article 1 and the fourteenth amendment to the Constitution of the United States.

Third. That by the terms of the said constitutional amendment and the said act No. 36 (or 110) of the General Assembly of the State of Louisiana of 1890 there is no warrant or authority of law to issue and sell four per cent. constitutional bonds of the city of New Orleans for any purposes other than those set out and enumerated in the same, to wit, to pay and retire all the then outstanding
265 valid bonds of the city of New Orleans matured, maturing, or subject to call; to pay judgments rendered against the city of New Orleans for floating debt claims arising prior to 1879 entitled to be funded under act No. 67 of 1884; that it is the contract right of all holders of said constitutional bonds under said constitutional amendment and said act No. 36 (or 110) of 1890 to prevent the issuance and sale of said constitutional bonds for any purposes not mentioned in said constitutional amendment, and likewise to prevent any act or proceeding by which the burdens on said one per cent. tax are to be increased or charges created against the same not mentioned or authorized by said constitutional amendment and said act.

That said article 317 of the constitution of the State of Louisiana of 1898, and effect given by the final judgment or decree of the supreme court of the State of Louisiana in this case, is to impair the contracts in favor of all holders of said constitutional bonds, created and evidenced by the said constitutional amendment and the said act.

Fourth. That all persons who made contracts with the city of New Orleans and executed the same for the construction of works of permanent public improvement, the prices of which are payable out of the surplus of the one per cent. tax authorized by the said constitutional amendment and levied by said act No. 36 (or 110) of 1890, one-half of which surplus, by sections 8 and 10 of said act, being specially dedicated to the payment and discharge of said contracts, are entitled to exclude from participation in any portion of said one per cent. tax any and all persons not entitled to participate therein by the said constitutional amendment and the said act, since any addition to the burden of said tax imposed by said amendment and said act will correspondingly diminish the surplus remaining after payment of the annual charges fixed thereon
266 by said amendment and the said act, and thus impair the obligations of the said contracts: that said article 317 of the constitution of the State of Louisiana of 1898, and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case, is to impair the contracts in favor of all holders and owners of said contracts.

Fifth. That the obligations of all contracts made by the drainage commission and all bonds issued by it and sold under the afore-

said acts of 1896 and 1898, which are payable out of the permanent public improvement fund, composed of one-half of the surplus described in paragraph 2 in this assignment, are in like manner impaired by said article 317 of the State constitution of 1898 and the effect given to it by the final judgment or decree in this case, the impairment of such obligations being the same in all particulars as that set up in paragraph 4 of this assignment, as concerns all contracts for permanent public improvements made with the city of New Orleans and payable out of the surplus of the said one per cent. tax established and described in sections 8 and 10 of said act No. 36 (or 110) of 1890, the addition of the charge for principal and interest on the constitutional bonds which are directed to be sold by said article 317 of the constitution of the State of Louisiana of 1898 effecting a diminution of the said surplus out of which it is the sole and exclusive right of contractors with the said drainage commission and the holders of its bonds to be paid.

That said article 317 of said constitution and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this case is an impairment of the obligations of the contracts of said contractors and the holders of said bonds of the said drainage commission.

That said article 317 of the constitution of the State of
267 Louisiana of 1898 and the effect given to it by the final judgment or decree of the supreme court of the State of Louisiana in this cause impairs the obligation of all of the bonds and contracts heretofore set out, mentioned, and described, and deprives the holders and owners thereof of their property without due process of law, in violation of section 10, article 1, and the fourteenth amendment of the Constitution of the United States.

The supreme court of the State of Louisiana erred in giving such effect or any effect at all to said article 317; and it further erred in not rejecting the demand of the relators and dismissing their suit on these grounds; that the errors in the said final judgment and decree and the proceedings anterior thereto are those specially set out and enumerated above, and they entitled defendant to a reversal of said final judgment or decree of the supreme court of the State of Louisiana and the rejection by this court of relators' demand.

Wherefore this defendant and plaintiff in error prays that the judgment of the said supreme court of the State of Louisiana be reversed, and such directions be given that full force and efficacy may inure to defendant by reason of the defenses set up in its answer filed in the said cause.

(Signed) BRANCH K. MILLER,
Attorney for the Board of Liquidation of the City Debt.

(Endorsed:) No. 13034. Supreme court of Louisiana. Board of Liquidation of City Debt *et al.*, plaintiffs in error, *vs.* State *ex rel.* Miss L. B. Wilder *et als.*, defendants in error. Assignment of errors by Board of Liquidation of City Debt. Filed July 15th, 1899. (Signed) T. Mc-. Hyman, clerk.

268 UNITED STATES OF AMERICA, }
State of Louisiana. }

Supreme Court of the State of Louisiana.

I, Thomas McCabe Hyman, clerk of the supreme court of the State of Louisiana, do hereby certify that the foregoing two hundred and sixty-seven pages contain a full, true, and complete copy of the transcript of the proceedings had in the civil district court for the parish of Orleans in a certain suit wherein The State of Louisiana *ex rel.* Miss L. B. Wilder *et als.* was plaintiff, and The Board of Liquidation of the City Debt was defendant, and The Drainage Commission of New Orleans was intervenor, and also of all the proceedings had in this supreme court on the appeal taken by the said defendant and the said intervenor, which appeal *is* now on the files thereof under No. 13034.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this second day of August, anno Domini one thousand eight hundred and ninety-eight, and in the one hundred and twenty-fourth year of the Independence of the United States of America.

Seal Supreme Court of the State of Louisiana.

T. McC. HYMAN, *Clerk.*

269 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the supreme court of Louisiana, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court of Louisiana, before you or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between State *ex rel.* Miss *Miss* Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harly, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabel Levy, Mrs. M. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliafero, Miss Ida Patton, Miss M. A Ames, Miss F. L.

Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss L. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss M. H. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. W. Woodley, Mrs. K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Lebatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thesan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevaillie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neil, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. Carolon, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolan, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Honora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Audry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stephens, Miss H. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Mon-

rose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blanco, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligott, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donnelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, —— Duval, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. H. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kleinpeter or Kelinpeter, Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horan, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connolly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, — L. E. Stirling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Porter, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss L. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilde Ohlsen, Miss Ada V. Rousseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schriever, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie L.

Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isabelle Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelley, Miss Mathilde Reuter, Miss N. B. Hawthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eaglesson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halleran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, M. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulvey, A. Michel, V. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevvart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, J. Kinney, G. H. Kelly, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffat, E. M'Cabe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E. Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, & A. Waters are plaintiffs & relators, & The Board of Liquidation of City Debt is defendant, & The Drainage Commission of New Orleans is intervenor, wherein was drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision was against their validity, or wherein was drawn in question the validity of a statute of or an authority exercised under said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the con-
270 struction of the clause of the Constitution or of a treaty or statute of or commission held under the United States and the decision was against the title, right, privilege, or exemption specially

set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Drainage Commission of New Orleans, as by its complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington within 30 days from the date hereof, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the said Supreme Court, the 10th day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

{ Seal U. S. Circuit Court for the 5th Circuit & Eastern District of La. }

E. R. HUNT,
Clerk of the Circuit Court of the United States for the Eastern District of Louisiana.

Allowed by—
——— ———.

271 [Endorsed:] No. 13034. Supreme court of Louisiana. Board of Liquidation of City Debt *et al.*, plaintiffs in error, *versus* State *ex rel.* Miss L. B. Wilder *et als.*, defendants in error. Writ of error. Filed July 19, 1899. T. McC. Hyman, clerk.

272 THE UNITED STATES OF AMERICA:

Circuit Court of the United States, Eastern District of Louisiana.

The President of the United States to Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harly, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stewart, Miss Nellie H. Watson, Miss Sallie Harris,

Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabel Levy, Mrs. M. E. M'Donald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. M. E. Taliafero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt, Miss T. A.
273 Sisa, Miss Emma B. Lloyd, Mrs. C. V. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevaillie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolon, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheenan, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Honora Brown, Miss A.
274 F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andre, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy,

Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenzo Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Pamela Cucalla, Miss Rose Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligott, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donnelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells,
275 Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kleinpeter, or Kelinpeter, Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss V. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horan, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Porter, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Miss Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Ohlsen, Miss Ada V. Rousseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss

E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss
276 Annie Leddy, Miss M A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schriever, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Pres, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isable Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelley, Miss Mathilde Reuter, Miss N. B. Hawthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, C. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eaglesson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, G. M. Holland, N. Houlgrave, N. Harrison, M. O. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Labargue, M. A. Michel, L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spelliey, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D.
277 Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, G. Killelae, J. Kinney, G. H. Kelley, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffatt, E. M'Cabe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E. Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, and A. Waters, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, within 30 days from the date hereof, pursuant to a writ of error filed in the clerk's office of the supreme court of Louisiana,

wherein the said Drainage Commission of New Orleans is plaintiff in error and you are defendants in error, to show cause, if any there be, why the judgment rendered against the said Drainage Commission of New Orleans, as in said writ of error mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, this 10th day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

E. D. WHITE,
Associate Justice, Supreme Court of the United States.

Service of within citation accepted.
N. O., April 19th, 1899.

CHAS. J. THÉARD,
For Himself and for Arthur McGuirk and Henry L. Lazarus, Attorneys for Defendants in Error.

278 [Endorsed:] No. 13034. Supreme court of Louisiana. Board of Liquidation of City Debt *et al.*, plaintiffs in error, *v.* State *ex rel.* Miss L. B. Wilder *et als.*, defendants in error. Citation. Filed July 19, 1899. T. McC. Hyman, clerk.

279 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the supreme court of the State of Louisiana, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court of the State of Louisiana, before you or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between The State of Louisiana upon the relation of Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dwyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susan B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker, Miss Fannie S. Harby, Miss Louise Berthel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylotte, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stewart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabelle Levy, Mrs. M. E. McDonald, Mrs. J. C.

Robinson, Miss Eliza Todd, Mrs. M. E. Taliefero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin,
Mr. J. H. Neslin, Mrs. Annie Macken, Miss I. B. Grant, Miss
280 E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey,
Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. B. Sproule, Miss A. Paddon, Miss R. M. Woodley, Miss K. C. McCann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett, Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Mrs. Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. M'Carthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevaillie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie M'Cord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Neelis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rosa Carolon, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs.
M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis
281 Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie
Peres, Miss Honora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo, Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andry, Mrs. M. A. Doriocourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Van Camp, Mrs. Paul Ducatel, Miss Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Chaery, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. M. M'Carthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza

Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delcdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligott, Miss A. E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss S. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam,

282 Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kelinpeter or Kleinpeter, Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss B. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horen, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Portner, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Roudeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. M'Lerenan, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lirenan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs. M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berbel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Ohlsen, Miss Ada V. Rousseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne,

Miss Lizzie Keeling, Miss Susan Schreiver, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isabel Ferguson, Miss May Brooks, Miss Sarah H.
283 Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss G. G. McManus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary A. Tallieu, Mrs. G. A. Anderson, Miss Isabel Ryan, Mrs. F. V. Hooper, Miss Nanon J. Kelley, Miss Mathilda Reuter, Miss N. B. Harthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Bull, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eagleson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, Ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulcey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevvart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, J. Kinney, G. H. Kelley, M. Kelly, Mary Kelly, M. Lane, M. Lardner, C. Moffat, E. M'Cabe, M. M'Cormick, E. M'Ginnis, B. M'Keone, E. Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher, M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J.
284 Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox, A. Waters, which said parties were relators in the said supreme court of the State of Louisiana and are defendants in error in this writ, and The Board of Liquidation of the City Debt, which was defendant in the said supreme court of the State of Louisiana and is plaintiff in error in this writ, The Drainage Commission of New Orleans being an intervenor in said supreme court of the State of Louisiana, wherein was drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision was against their validity, or wherein was drawn in question the validity of a statute of or an authority exercised under said

State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity, or wherein was drawn in question the con-
285 struction of the clause of the Constitution or of a treaty or statute of or commission held under the United States and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission, a manifest error hath happened, to the great damage of the said Board of Liquidation of the City Debt, defendant in said supreme court of the State of Louisiana and plaintiff in error in this writ, as by its complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington within 30 days from the date hereof, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the said Supreme Court, the 10th day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

{ Seal U. S. Circuit Court for the 5th Circuit & Eastern District of La. }

E. R. HUNT,
Clerk of the Circuit Court of the United States for the Eastern District of Louisiana.

Allowed by—
E. D. WHITE,
Associate Justice Supreme Court of the United States.

286 [Endorsed:] No. 13034. Supreme court of La. Board of Liquidation of City Debt *et al. versus* State *ex rel.* Miss L. B. Wilder *et als.* Writ of error. Filed July 14, 1899. T. McC. Hyman, clerk.

287 THE UNITED STATES OF AMERICA:

Circuit Court of the United States, Eastern District of Louisiana.

The President of the United States to Miss Lucretia B. Wilder, Mrs. Anna B. Cook, J. E. Seaman, J. V. Calhoun, J. H. Buckley, T. W. Dyer, Mrs. Mary Stamps, Miss H. A. Suter, Miss H. W. Seymour (now Mrs. Gresham), Miss Susie B. Elder, Miss Armentine Vienne, Miss M. Cusach, Miss B. Woods, Mr. A. S. Leche, Miss J. E. Linsler, Miss M. E. Pursell, Miss I. D. Pickens, Miss Kate Slack, Miss M. A. Curran, Mr. W. S. M'Elroy, Miss Carrie Forrer, Mrs. A. L. Howard, Miss M. G. Oliver, Miss Fannie A. Stringer, Miss Ida Whitaker,

Miss Fannie S. Harby, Miss Louise Bertel, Mr. Vincent Mielly, Miss M. A. Nugent, Miss K. E. Eastman, Miss S. Bloomfield, Miss O. Woodworth, Mrs. Esther Dobie, Mrs. E. C. Hunter, Miss E. C. Dowty, Mr. D. A. Blanchard, Mrs. C. A. Curtis, Miss M. E. M'Loughlin, Miss H. L. Mylott, Miss M. A. Broderick, Miss M. G. Fischer, Miss B. Furneaux, Miss Ada Jenks, Miss M. H. O'Connor, Miss A. M. Dart, H. B. Folk, Miss Isabella Simmons, Miss Charlotte Stuart, Miss Nellie H. Watson, Miss Sallie Harris, Miss G. I. Lambourne, Miss Jennie Reese, Miss M. L. Martin, Miss J. C. Dodge, Miss Isabelle Levy, Mrs. M. E. McDonald, Mrs. J. C. Robinson, Miss Eliza Todd, Mrs. N. E. Taliafero, Miss Ida Patton, Miss M. A. Ames, Miss F. L. Flemich, Miss Clemence Charles, Miss Olivia Pitard, Miss M. A. Larkin, Mrs. R. Sulakoski, Miss M. Nevin, Mr. J. H. Heslin, Mrs. Annie Macken, Miss I. B. Grant, Miss E. L. Venables, Miss K. M. Hamblett, Miss Maria Mulvey, Miss A. J. Hamilton, Miss A. Conwell, Miss Annie Sinclair, Miss A. S. Miller, Miss Julia Donovan, Miss H. M. Hewitt, Miss T. A. Sisa, Miss Emma B. Lloyd, Mrs. C. V. Sproule, Miss A. Paddon, Miss R. M. Woodley, Mrs. K. C. M'Cann, Miss M. M'Cord, Miss Cecilia Coll, Miss Carrie Labatt, Miss Julia Mulvey, Miss Lizzie Barry, Miss Julia Buckley, Miss B. E. Sullivan, Miss Ida Bennett, Miss Mary Walsh, Miss Anna Stokes, Miss Theresa Hartnett,
288 Miss Laura J. Murphy, Mr. A. P. Williams, Miss R. E. Campanel, Miss Amelia Berhel, Miss B. Plicque, Miss Alice Jones, Mrs. C. H. Thezan, Miss Sarah B. Allen, Mrs. S. F. Williams, Mrs. C. M. Keppard, Mrs. E. P. McCarthy, Miss C. C. Kennedy, Miss L. M. White, Mrs. Rosa T. Edmunds, Miss E. B. Egleston, Miss R. M. Chevaillie, Mrs. K. J. Ricker, Mrs. A. E. Jones, Miss Addie McCord, Mrs. O. B. Cassanova, Mrs. H. M. Braguiens, Miss Emma Torrey, Miss Georgie Kerns, Miss L. Mellis, Miss M. J. O'Neill, Miss Julia Conroy, Mrs. J. E. Stehle, Miss M. Sassinot, Mrs. E. M. Keplinger, Miss K. Divine, Miss Adele Coudrain, Miss M. H. Hill, Miss O. K. Chellet, Miss R. King, Mr. Henry Reggio, Miss C. E. Carolan, Miss S. A. Grant, Miss Josephine Stewart, Mrs. M. L. Hampson, Miss Josephine Hille, Miss H. A. Pittman, Miss Rose Carrolan, Mrs. Palmyre Cartier, Miss Aline Ribet, Miss Alice Sherlock, Miss M. E. Lyons, Miss Gretta Donovan, Miss Annie Kerwin, Miss Mary Pearson, Miss M. A. Armstrong, Miss J. M. Mettaxa, Miss M. V. Serran, Miss A. E. King, Miss Emma Lacroix, Miss Alice Sheean, Miss Frances O'Connor, Mr. Warren Easton, Miss G. M'Cerran, Miss M. J. Paul, Mrs. Mary Moore, Miss S. V. Redwood, Miss A. M. Hero, Miss C. Nicol, Miss E. V. Relf, Miss Louise Faust, Miss Sallie Boyce, Miss F. L. Smith, Miss V. Russell, Miss Ellen Moran, Miss C. Lichtenstein, Miss A. A. Finch, Miss E. J. Young, Mrs. D. R. Miller, Miss Helen M'Carthy, Miss Mary M'Cann, Miss M. A. Ferguson, Miss Marie L. Points, Miss Lizzie Donovan, Miss Julia Hedges, Mrs. M. F. Gerrard, Miss K. Howley, Dr. Jas. Burns, Miss Antonis Hart, Miss Ella M. Brown, Miss Jane M'Anulty, Miss Marie Peres, Miss Henora Brown, Miss A. F. Duval, Miss Mary L. Barrett, Mr. W. J. Gahan, Mrs. V. Ducatel, Miss Emily Wagner, Miss Kate Toole, Miss Leonie Chevallo,

Miss Ellen Carey, Miss Emma Ducoing, Miss A. M. Woods, Mr. Gustave Andre, Mrs. M. A. Doricourt, Miss Ellen Quayle, Miss Rebecca Smith, Miss M. Bayhi, Miss Laura C. Harris, Mr. C. A. Barnes, Mrs. A. E. Vancamp, Mrs. Paul Ducatel, Miss
289 Louise Van Dycke, Miss Eugenie Desdunes, Miss C. Hubbard, Mrs. Ann Bell, Miss M. O. Carter, Miss Rosa T. Moore, Miss Julia White, Miss Edith Harrison, Miss Susan Smith, Miss F. F. Huberwald, Mrs. H. Cheary, Miss Louise Lynch, Miss Lizzie Kennedy, Miss Mary Murphy, Mrs. Sylvia Easton, Mr. E. H. Trepagnier, Mrs. M. F. Stevens, Miss H. McCarthy, Miss M. Marshall, Miss M. A. Stewart, Miss Lorenza Bertus, Miss Mary Gordon, Miss M. E. Anderson, Miss K. Delesdernier, Miss Alice Clark, Miss Ellen Kennedy, Miss Rita C. Monrose, Miss Kate Quaid, Miss E. B. Thomas, Mr. Ulric Bettison, Miss I. Warner, Mr. T. J. O'Sullivan, Miss Ellen Gow, Miss M. S. Wilson, Mrs. A. L. Savio, Miss M. E. Cuggy, Miss Lucy Tallon, Miss Delphine Points, Miss Annie Scott, Miss K. J. Hughes, Miss Annie Sheean, Miss Emma Prados, Miss Sophie Blancq, Miss Julia Chevillon, Miss Mary B. Clark, Mrs. Parmela Cuculla, Miss Rosa Dione, Miss Esther Brando, Mr. A. B. Chandler, Miss Bridget Nolan, Miss J. A. Mayberry, Miss C. L. Stewart, Miss K. L. Magnon, Miss Kate E. Murphy, Miss Rebecca Fortune, Miss Marcella Curley, Miss M. O. Reynolds, Miss Mary M'Elligott, Miss A. E. O'Brien, Miss May E. O'Brien, Miss Mary Moore, Miss N. D. Cooper, Miss Jane Donelly, Miss J. Fitzgerald, Miss Mary L. Stokes, Mrs. H. Kilshaw, Miss J. F. Cripps, Miss M. A. Murphy, Miss E. J. O'Hara, Miss L. Llambias, Mrs. C. Collerton, Miss M. A. Riley, Miss H. L. Garrett, Mrs. A. W. Brown, Miss J. J. Ingraham, Miss M. E. Golden, Miss Amelia Kelsey, Mrs. L. Ward, Mr. M. M. Lowe, Miss M. E. Tank, Miss Ellen Clapp, Miss Maud O'Brien, Miss L. E. Lambourne, Mrs. H. M. Wells, Miss K. L. Glenn, Miss N. S. O'Connor, Miss Helena Phillips, Mrs. M. E. Mallam, Miss M. Creswell, Miss Bettie Murphy, Miss M. Emanuel, Miss M. A. Mulligan, Miss Agnes Boyce, Mrs. W. J. Kelinpeter (Kleinpeter), Miss Agatha Meehan, Miss Emma J. Taylor, Miss L. C. King, Mr. Louis Leche, Miss N. P. Hero, Miss Nettie Parr, Miss I. Fredericks, Miss V. A. Houghton, Miss Mary J. Dowty, Miss Margaret Horen, Miss May Lemkin, Mrs. B. L. Beck, Miss Jessie Wilbur, Miss M. A. Wickes, Miss
290 M. A. Wickes, Miss M. Bridgins, Miss I. E. O'Brien, Miss Eliza Wheaton, Miss H. M. Jourdan, Miss Ruth H. Walsh, Miss K. C. Connelly, Miss Georgia Hodgins, Miss E. Wilbur, Miss S. S. M'Enery, Miss P. E. Packard, Miss L. E. Sterling, Miss M. E. Sommerville, Mrs. L. M. Williams, Miss Blanche Cenas, Mrs. Josephine Reed, Mrs. C. D. Cooke, Mrs. Cora P. Beecher, Miss Etna Portner, Miss Sidonia Holmes, Mr. J. R. Hutchinson, Miss M. E. Finnerty, Miss E. B. Brown, Miss Irene Rondeau, Miss Minnie Weaver, Miss C. A. Forbes, Miss M. A. Reynolds, Miss Nellie Pickett, Miss M. A. Flanagan, Mrs. C. Reese, Miss L. C. Whitaker, Miss M. J. Dornon, Miss M. J. Kearney, Miss A. L. Beecher, Mrs. W. M. Carroll, Miss M. G. McLeremau, Miss D. L. Bostick, Miss Elese Hunter, Miss E. Allen, Miss A. E. M'Lerinan, Mrs. Ellen Hamilton, Miss C. A. Warner, Miss J. E. Morton, Mrs.

M. E. Westerfield, Mrs. M. A. Martinez, Miss Mary Clarkson, Miss Ida Halberg, Miss E. Verlander, Mr. C. P. Guichard, Mrs. P. H. Saffold, Miss E. E. Vigers, Miss Amelia Chiapella, Miss Mary E. Penn, Miss Jennie G. Simms, Miss J. C. Berhel, Mr. J. J. O'Connor, Miss L. S. Howard, Mrs. M. E. Fortier, Miss Mathilda Ohlsen, Miss Ada V. Rosseau, Mr. S. C. Clark, Mrs. L. B. Anderson, Mrs. A. E. Chase, Miss M. A. Gardiner, Miss Maggie Redlich, Miss N. E. Nicholls, Miss E. C. Wheelahan, Mrs. M. E. Holmes, Miss E. F. Hayden, Mrs. M. J. Williams, Miss J. E. Mooney, Miss M. J. Turner, Miss Maggie Crawford, Miss H. E. Lawrence, Miss A. E. Kilgrove, Miss F. S. Dalacy, Miss E. L. Rodriguez, Miss Annie Leddy, Miss M. A. Sullivan, Miss Sallie Payne, Miss Lizzie Keeling, Miss Susan Schreiver, Miss Julia Clapp, Mr. T. L. Preston, Miss H. O. White, Miss L. E. Prest, Miss Fannie I. Dart, Miss E. Gardenghi, Miss Anna Dyer, Miss Emma T. Rosner, Miss Isabelle Ferguson, Miss May Brooks, Miss Sarah H. Evans, Miss May E. Blood, Miss May Clack, Miss M. H. Hallaran, Miss Eliza Clark, Miss C. A. Beck, Mrs. R. Railpon, Miss Kate Kelly, Miss C. G. M'Manus, Miss Annie Theil, Miss A. L. Pascoe, Miss C. W. Bentley, Miss Florence Gordon, Miss Mary A. Tallieu, Mrs. G. A. Anderson, Miss Isabelle Ryan, Mrs. F. V. Hooper, Miss Nanon
291 J. Kelley, Miss Mathilda Reuter, Miss N. B. Harthorne, Mrs. J. R. Dicks, Miss Lizzie Kelly, Miss Emily Olschner, Miss May A. Leddy, Miss R. T. Murphy, Miss Emma Quick, Anita Ball, G. Black, Mathilda Bernard, M. Buil, J. Brown, O. Brennan, A. Cornwell, R. Carolan, R. C. Chamberlain, M. M. Campanel, E. M. Clark, B. Carroll, A. J. Dougherty, N. Donovan, Alica Dickson, Mary Daly, Selina Duvic, Emily Dart, M. De Boer, D. Daignan, H. Diamond, E. B. Eagleson, Alica Ellis, Georgie Fountain, A. A. Finch, M. Flanagan, J. Gallagher, Kate Hughes, L. Hentich, Kate Howley, B. Hynes, M. Halloran, Irene Hester, Louise Hornbeck, ida Halberg, E. Hamilton, A. Harper, C. M. Holland, N. Houlgrave, M. Harrison, M. G. Holmes, B. Harthorne, Daisy Jackson, N. James, I. E. Joyce, L. Kilshaw, A. C. Kearney, Mary Kennedy, A. Kennedy, M. D. Kennedy, J. Lahargue, M. A. Michel, L. Mulvey, A. Michel, B. Mayhen, B. Maher, M. D. Moore, M. Michel, Lizzie Neelis, N. E. Nicholls, M. Orrantia, Agatha Pretus, F. Powers, R. M. Pascoe, L. A. Patton, G. Peyton, A. Payne, M. Ryan, S. J. Stephens, S. A. Steele, M. Smith, L. Smith, C. M. Spellicy, J. Simon, M. Spellicy, S. Smith, N. Shelly, A. Stickney, C. Stringer, D. Sheehan, Kate Sullivan, Martha Spence, Rosalie Shoeffer, E. J. Taylor, Alice Young, B. Allen, C. Amman, E. Bernard, E. O. Boyle, M. Barrow, B. Booth, Sarah Brooks, B. Blanc, J. Burke, C. Byrne, D. Burt, D. Cosgrove, M. Collins, E. Cure, E. Cronnan, M. Caldwell, L. Chevolleau, E. Chineau, M. Carithers, M. T. Cochran, M. Carroll, M. Connelly, M. Collier, M. Duignan, H. Daly, M. Donnelly, C. Denny, B. Doyle, E. Ducts, J. Foster, A. Gould, R. Hevyart, M. Hausman, B. Heavy, J. Jacquet, C. Killelae, J. Kinney, G. H. Kelley, M. Kelley, Mary Kelly, M. Lane, M. Lardner, C. Moffat, E. McCabe, M. M'Cormack, E. M'Ginnis, B. M'Keone, E. Nides, M. Morton, H. O'Connor, M. A. Pickett, E. Rhobacher,

M. Riley, N. J. Rayna, John Ryan, M. Ryan, M. Schreiver, M. J. Stansbury, M. Shea, M. White, J. C. Watkins, A. Wilcox,
292 — A. Waters, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, within 30 days from date hereof, pursuant to a writ of error filed in the clerk's office of the supreme court of the State of Louisiana, wherein the said Board of Liquidation of the City Debt is plaintiff in error and you are defendants in error, to show cause, if any there be, why the judgment rendered against the said Board of Liquidation of the City Debt, as in said writ of error mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, this 10th day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

E. D. WHITE,
Associate Justice, Supreme Court of the United States.

293 We hereby, this 18th day of July, 1899, accept due personal service of this citation on behalf of all the defendants in error, and waive service of the same.

CHAS. J. THÉARD,
For Self and for Arthur McGuirk & Henry L. Lazarus, Att'ys for Miss L. B. Wilder & als., Defendants in Error.

[Endorsed:] No. 13034. Supreme court of Louisiana. Filed July 18, 1899. T. McC. Hyman, clerk.

294 Supreme Court of the United States, October Term, 1899.

THE BOARD OF LIQUIDATION OF THE CITY DEBT, Plaintiff in Error,
vs.
THE STATE OF LOUISIANA on the Relation of Miss Lucretia B. Wilder *et al.* } No. 369.

THE DRAINAGE COMMISSION OF NEW ORLEANS, Plaintiff in Error,
vs.
MISS LUCRETIA B. WILDER ET AL. } No. 377.

It is hereby stipulated between the counsel on both sides of this controversy that in printing the transcript of record which has been filed covering both writs of error the pamphlet which was offered in evidence for the defense by the intervenor in the court of the first instance, entitled "A report on the drainage of the city of New Orleans, 1895," being the plan of drainage referred to in the pleadings as adopted by the drainage act of 1896, and which went

up to the supreme court of Louisiana in original and has been brought up to this court in original, need not be printed, but may be referred to in original by any party.

W. W. HOWE,
For Drainage Comm'n of N. O.
BRANCH K. MILLER,
Attorney for Board of Liquidation of the City Debt.
CHAS. J. THÉARD,
For Self & for H. L. Lazarus, &
ARTHUR McGUIRK,
Att'ys for Miss L. B. Wilder & Others.
H. L. LAZARUS,

295 [Endorsed:] File No., 17,483, &c. Supreme Court U. S., October term, 1899. Term Nos., 369 & 377. The Board of Liquidation of the City Debt, P. E., *vs.* The State of Louisiana *ex rel.* Wilder and Drainage Commission of New Orleans, P. E., *vs.* Mrs. Lucretia B. Wilder. Stipulation to omit part of record in printing. Filed Jan. 24, 1900.

296 In the Supreme Court of the United States, October Term, 1899.

THE BOARD OF LIQUIDATION OF THE CITY DEBT, Plaintiff in Error,
vs.
THE STATE OF LOUISIANA on the Relation of Miss L. B. Wilder *et al.*, Defendants in Error. } No. —.

In the above entitled and numbered cause it is hereby stipulated and agreed that all maps, plans, and diagrams found in the transcript shall be omitted from the printed record; also the large paper-bound book or pamphlet containing a description and explation of the drainage system of the city of New Orleans.

That the above matters shall not be included in the printed record, and that, with these omissions, the same shall be sufficient.

CHAS. J. THÉARD,
For Self & Arthur McGuirk,
HENRY L. LAZARUS,
Att'ys for Def'ts in Error.
BRANCH K. MILLER,
Attorney for Plaintiffs in Error.

297 [Endorsed:] Supreme Court United States, October term, 1899. No. —. Board of Liquidation City Debt, plaintiff in error, *vs.* State of Louisiana *ex rel.* Miss L. B. Wilder, defendants in error. Agreement.

298 [Endorsed:] File No., 17,483. Supreme Court U. S., October term, 1899. Term No., 369. The Board of Liquidation, &c., P. E., *vs.* The State of Louisiana *ex rel.* Wilder. Stipulation to omit parts of record in printing. Filed Jan. 29, 1900.

Endorsed on cover: File No., 17,483. Louisiana supreme court. Term No., 369. The Board of Liquidation of the City Debt, plaintiff in error, *vs.* The State of Louisiana on the relation of Miss Lucretia B. Wilder *et al.* Filed August 8th, 1899. File No., 17,491. Term No., 377. The Drainage Commission of New Orleans, plaintiff in error, *vs.* Miss Lucretia B. Wilder *et al.* Filed August 17th, 1899.